



CLEVELAND PARK HISTORICAL SOCIETY 3101 HIGHLAND PLACE, N.W. CLEVELAND PARK, D.C. 20008 (202) 244-1276

OUTLINE OF HEARING SUBMISSION

DATE: JANUARY 21, 1988

TO: D.C. ZONING COMMISSION

FROM: CLEVELAND PARK HISTORICAL SOCIETY
TERSH BOASBERG, PRESIDENT

SUBJECT: CASE NO. 86-26 -- CLEVELAND PARK OVERLAY ZONE

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ZONING COMMISSION
District of Columbia

Case 86-26
Exhibit 194

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District of Columbia
CASE NO. 86-26
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FROM:  Cleveland Park Historical Society
Teresh Boasberg, President

SUBJECT: Case No. 86-26 -- Cleveland Park Overlay Zone

I. INTRODUCTION

- A. Brief description of petitioners; 10-year effort to protect the neighborhood. The Cleveland Park Historic District, including the commercial area, was designated under D.C. law on November 19, 1986; and listed on the National Register of Historic Places on April 17, 1987.
- B. SPEAKER: KATHLEEN S. WOOD, Architectural Historian, "Connecticut Avenue -- More Than Merely A Corridor"
1. Connecticut Avenue: An innovative, historic, land use design, striking for the time (c. 1920). See map, **Exhibit A**.
 2. Connecticut Avenue: A designated D.C. "Special Street".
 3. Connecticut Avenue at Cleveland Park: A valuable architectural, cultural, educational and historic resource in its own right.

"The Colonial Revival firehouse which opened in 1916 is the oldest and most significant building in the Cleveland Park commercial strip along Connecticut Avenue. Arthur B. Heaton's design for the Park and Shop adopted the Colonial Revival style of the fire station and Wardman rowhouses across the street. The Uptown Theatre is a significant commercial Art Deco building. The 3400 block of Connecticut on the west side is remarkably unified in appearance. The Klinge Valley Bridge which serves as an introduction to the commercial strip was designed by Paul Cret in 1931. The commercial strip from the Klinge Bridge to Porter Street has been called the best remaining example in Washington, D.C. of a linear neighborhood develop-

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ment. (Richard Longstreth, Director of the Graduate Program at George Washington University.)" (p. 4, **Exhibit B**, D.C. Historic Preservation Review Board Designation Report.

Connecticut Avenue is more than merely a corridor transporting Maryland commuters to and from work in downtown D.C. It is perhaps the finest, most distinctive entry to the Nation's Capital, an important historic resource, and a very "Special Street" of grand apartments and low-scale, neighborhood-serving businesses which acts as a spine to bind together Ward 3's diverse neighborhoods from Chevy Chase to Woodley Park. (See **Exhibit C** for businesses and dates of buildings.)

II. WHAT DO WE WANT

A. Overview: GRAPHICS BY RICHARD RIDLEY, Architect. (Exhibit D)

1. Note distinctive low rise, small scale nature of historic structures, offering neighborhood services, with practically no commercial office space. Note, too, the residences and apartment houses back up immediately onto the commercial.
2. Sixty commercial buildings: 70% are 1 story; 20% are 2 stories; and 10% 3 stories. Also 6 small 3 to 5 story apartments with ground floor retail, the largest of which is 36,000 sq.ft.
3. The FAR for the 60 commercial buildings is only .66; for the residential it is 1.3; and the whole C-2-A zone is 1.0 -- the same as C-1 zoning would allow.

B. The Threat(s) -- There are PUD threats on four already assembled sites for large scale, mixed use office buildings which would permanently change the nature of Cleveland Park. A recently filed PUD is for an 11-story, 210,000 sq.ft. tower complex.

C. Our request

1. First Preference: C-1 Zoning for the whole C-2-A district; or for appropriate individual blocks; but note OP's opposition.
2. Second Preference: OP's Overlay Zone (mandatory first floor retail, prohibition on curb cuts, retention of upper floor housing, and 25% limit on eating/drinking establishments).
3. We also support OP's "transition" height limit of twice the abutting building with these refinements:
 - a. Height limit should have a maximum of 40 feet (not the current 50 feet) for commercial/mixed use buildings; the three currently higher residential buildings, however, will be "grandfathered" (i.e., not deemed to be non-conforming).

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- b. FAR should be a maximum of 2.0 (not the current 2.5), of which only 1.0 should be commercial and the other 1.0, residential.

Reasons:

- 40 ft. (not 50 ft.) really protects the current, small scale historic structures.
 - No existing commercial buildings are more than 3 stories and 90% are only 1 and 2 stories.
 - A 40 ft. limit still leaves about 300,000 sq. ft. for future development (608,000-317,000) -- that's about double all current commercial and residential buildout.
 - FAR of 2.0 is a density 3 times greater than the existing commercial FAR (.66) and 50% greater than existing residential FAR (1.3).
 - Encourage the residential character of neighborhood by slightly lowering (by .5) the commercial FAR.
4. PUDs: First preference: No PUD which increases the 40 ft. height or 2.0 FAR limits. Second preference: No PUD over 40 ft. or 2.5 FAR, at least 1.5 of which is residential. Allows another 150,000 sq. ft. of development. Leave in place all other PUD guidelines to encourage flexibility, such as percentage of lot occupancy, courts, etc.

Reasons: Realistically, future development in Cleveland Park will only be by PUDs. Why go to the trouble to create a special Overlay Zone to protect the historic district if PUDs can destroy it. By definition, a height and density greater than that allowed by the Overlay Zone is destructive of the lowrise, small scale historic district sought to be protected.

III. ZONING AND HISTORIC PRESERVATION

- A. Background - Historic preservation concerns: anti-demolition, architectural controls, appropriate styles and materials, i.e. aesthetics. The D.C. Historic Preservation Review Board cannot control height, density (bulk) and use. These are, rather, the traditional concerns of zoning. A city needs both zoning and preservation controls to protect the character and integrity of its historic districts and special neighborhoods. D.C.'s Historic Preservation Law 2-144 cannot, by itself, control height, density and use in Cleveland Park. Indeed, the current C-2-A zoning, enacted thirty years ago, actually undermines the more recent

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historic preservation law (1978) by encouraging the destruction of Cleveland Park's low scale, historic buildings in favor of new development up to the full zoning and PUD envelopes.

- Thus, the two laws (zoning and historic preservation) now cut against each other. Under 2-144 (§5-1007 D.C. Code, Chapter 10) the Historic Preservation Review Board must take into consideration the more generous zoning categories where applicable.
- The coordination of the older zoning and the newer historic preservation laws is a most desirable goal and one specifically noted in the Draft Ward 3 Plan:

"The interrelationship between the City's zoning regulations and other secondary land use control mechanisms, such as urban renewal and historic preservation, need to be clarified. The Planned Unit Development process is often cited as inappropriate in certain locations in the City and does not achieve the potential for the comprehensive level of public benefits desired." (p. III-7).

- B. Comprehensive Plan - Indeed, as the Comprehensive Plan, itself, states in § 802, with regard to preservation and zoning:

"The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features."

- C. The Experience of Other Cities - We well recognize the District is not a "small town in Iowa". Compare other large cities: **Exhibit E** -- Chicago, San Francisco, Denver, Boston (**Exhibit E-1**), Seattle (**Exhibit E-2**), and Roanoke.

1. The Chicago Experience - SPEAKER: MARTIN J. OBERMAN, Esq., land use/zoning expert and former Chicago City Alderman.
2. The Roanoke Experience - SPEAKER: EARL REYNOLDS, Assistant City Manager, former Planning Director, Roanoke, VA.

Note: Both zoning and PUDs are limited and coordinated with historic preservation laws.

- D. National Register Historic Districts - "Why They Need Local Protection." SPEAKER: JERRY ROGERS, Associate Director, Cultural Resources, National Park Service, Department of Interior, Washington, DC.

IV. NEIGHBORHOOD COMMERCIAL REZONING

The San Francisco Experience - **SPEAKER: GEORGE WILLIAMS**, Assistant Director, Department of City Planning, S.F.

1. Rezoning 210 neighborhood commercial areas, "...not so much a downzoning as it is an effort to bring the zoning into conformity with the physical and land use structure that already exists in the district." (p. 13, S.F. Economic Impact Assessment **Exhibit F**).
2. Purposes of rezoning: to better protect neighborhood businesses, moderate income housing, historically important buildings, and to "...achieve greater compatibility between neighborhood commercial districts and their surrounding residential areas" (p. 7, S.F. Report) (**Exhibit G**).
3. No proof that this rezoning hurts City's economic development or overall tax receipts; but rather, tends to spread out development pressures to other, underutilized neighborhoods. (p. 17, S.F. Economic Impact Assessment - **Exhibit F**).

V. D.C. Code § 5-414

- A. Rezoning needed to deal with current and projected traffic congestion and related parking overcrowding along Connecticut Avenue and neighborhood side streets.

SPEAKER: EUGENE A. MASSEY, ESQ., introducing **DR. EVERETT C. CARTER** (**Exhibit H, Massey Introduction**) (**Exhibit I, Carter Study -- separately attached**)

1. The OP/DPW study is seriously inadequate and misleading.
2. Our analysis shows unacceptable levels of traffic/parking now, which only can be made worse by any future development.

- B. Other § 5-414 Concerns. Letters and persons in support.

1. Rezoning would promote the health, general welfare, and livability of the Cleveland Park (C.P.) neighborhood.
2. Intensive development under C-2-A and PUDs adversely threatens the property values of C.P. residential houses near Connecticut Avenue (already there is a trend toward group homes on Newark and Ordway Streets.)
3. C.P. is unsafe now for children because of increased traffic on the side streets.

4. Many older C.P. residents cannot cross Connecticut.
5. C.P. residents cannot park in front of their own houses.
6. Driveways of residents are frequently blocked by METRO-related, Uptown Theater, Zoo, and commercial parking.
7. There now is too much nighttime noise and littering from bars, restaurants, and fast food parlors.
8. Large scale development will force out our C.P. neighborhood serving businesses (beauty parlors, shoe and watch repairs, dry cleaners) who cannot afford the higher rents necessitated by the costs of new construction.
9. Many elderly and other residents on fixed incomes cannot afford the upscale housing proposed by new development.
10. The mixed income fabric of our neighborhood weakens; the "Georgetown effect" takes over.

VI. COMPREHENSIVE PLAN

The Zoning Commission may do more than simply declare a zone to be "not inconsistent" with the Comprehensive Plan. It may also decide what zoning is most consistent with the Plan. For Cleveland Park, we submit this is the zoning requested herein.

- A. Strong Neighborhoods -- Central to the Comprehensive Plan is the repeated theme of retaining good neighborhoods. "Ensuring good quality neighborhoods is of utmost importance to the District" (p.11). Cleveland Park's vital, historic neighborhood will be severely damaged by the large scale commercial developments now allowed under current C-2-A and PUD regulations.
 - B. Land Use Element -- The Land Use Element of the Comprehensive Plan and its accompanying Map identify the Connecticut commercial area as a "low density" (1107(a)(1)), "local neighborhood center" (1108(b)(1)). The zoning category most suitable to our "low density, local neighborhood center" is not straight C-2-A because it doesn't respect the low height and FAR of our historic district.
- It should be remembered, that in a specific Map Amendment, the Connecticut Avenue shopping area was pointedly changed by the City Council from its prior designation as a "multi-neighborhood" center to a "local neighborhood" center -- the lowest commercial density/use category possible.^{1/}

^{1/} Section 1136(f)(11), Comprehensive Plan, Land Use Element, at p. 41 (1985).

- C. Historic Preservation Element -- The Historic Preservation Element of the Comprehensive Plan informs the Zoning Commission as well as the HPRB. The goal of preserving a neighborhood historic district through appropriate zoning is repeatedly emphasized:

Sec. 806(12). "Adopt development controls...that...reflect the existing, valuable characteristics of the particular historic district."

Sec. 806(13). "Encourage...historic preservation by...eliminating existing incentives to replace historic resources...."

Sec. 807(p). "New construction...in historic districts should be compatible with the historical architectural character and cultural heritage of the...district. In design, height, proportion, mass, configuration, building materials, texture, color and location, new construction should complement these valuable features of the...district, particularly features in the immediate vicinity to which the new construction will be visually related."

- Straight C-2-A zoning (and current PUD guidelines) in Cleveland Park actually will encourage the demolition of historic structures and, we submit, is incompatible with the Historic Preservation Element of the Comprehensive Plan.

- D. Urban Design Element -- This Element is replete with specific directions such as those contained in § 726(6):

"Balance and design development sensitivity within low-scale regional activity centers in order to respect the established residential scale and character of the areas."

- E. Housing Element -- This Element repeatedly stresses the need to protect the existing housing stock for the moderate income and elderly (§301(b)) and the District's reasonably priced standard rental stock (§301(c)).

- F. Economic Development Element -- While, generally, the Plan promotes economic development in the City, the Draft Ward 3 Plan specifically notes that:

"The goals for economic development for Ward III differ from what they are in other wards. Title II of the Comprehensive Plan, the Economic Development Element, is principally concerned with the generally agreed upon need to stimulate more economic development overall in the District. From the point of view of the District as a whole and the Ward in particular, this need does not apply to Ward III. Rather, the issue in Ward III is how to channel the very strong momentum of economic development that is already there and

protect and enhance the primarily residential nature of the Ward." (p. III-34) (emphasis added)

G. Transportation Element

1. We are quite aware (and appreciative) of METRO but the Comprehensive Plan calls for higher density development not at every METRO station but only at "appropriate" Metrorail stations. (§504(1)). We have already said we are in favor of reasonable development; but submit that the Cleveland Park METRO station is not "appropriate" for intense development (especially office development). As the Draft Ward 3 Plan notes:

"However, not all transit stations generate a demand for redevelopment." (p. III-45)

2. As noted above, well after the Cleveland Park METRO station was planned (1974) and opened (1981), the Comprehensive Plan was specifically amended to lower the classification of the Connecticut Avenue commercial area from "multi-neighborhood" center to "local neighborhood" center -- the lowest commercial use category possible.^{2/}
3. The Cleveland Park METRO station is right on target in meeting the ridership volume predicted by METRO officials. See WMATA Final EIS (1975) Table 6 projecting daily volume in 1990 of 7766. Current daily volume is 7240. (Exhibit J)
4. Cleveland Park station does not have lowest ridership in D.C. Minnesota Avenue and Capitol Heights are lower and Benning Road, Stadium-Armory and Archives are about the same. Source: Table 5-1 Daily Passenger Boardings, Metrorail Passenger Surveys, May 1987. (Exhibit K).
5. The presence of a METRO station should not, of itself, provide reason for otherwise overscaled development: Capitol Hill, Dupont Circle.

H. Draft Ward 3 Plan -- Identifies Ward 3's major concerns as:

"... the protection of residential areas from overdevelopment, the spread of commercial and other non-residential uses, the negative effects of non-conforming uses, the loss of neighborhood commercial services, and poor environmental conditions." (p. III-6)

^{2/} Section 1136(f)911), Comprehensive Plan, Land Use Element, at p. 41 (1985).

And downzoning on Connecticut Avenue "to conform to the Comprehensive Plan" is specifically recommended. (p. III-51-2)

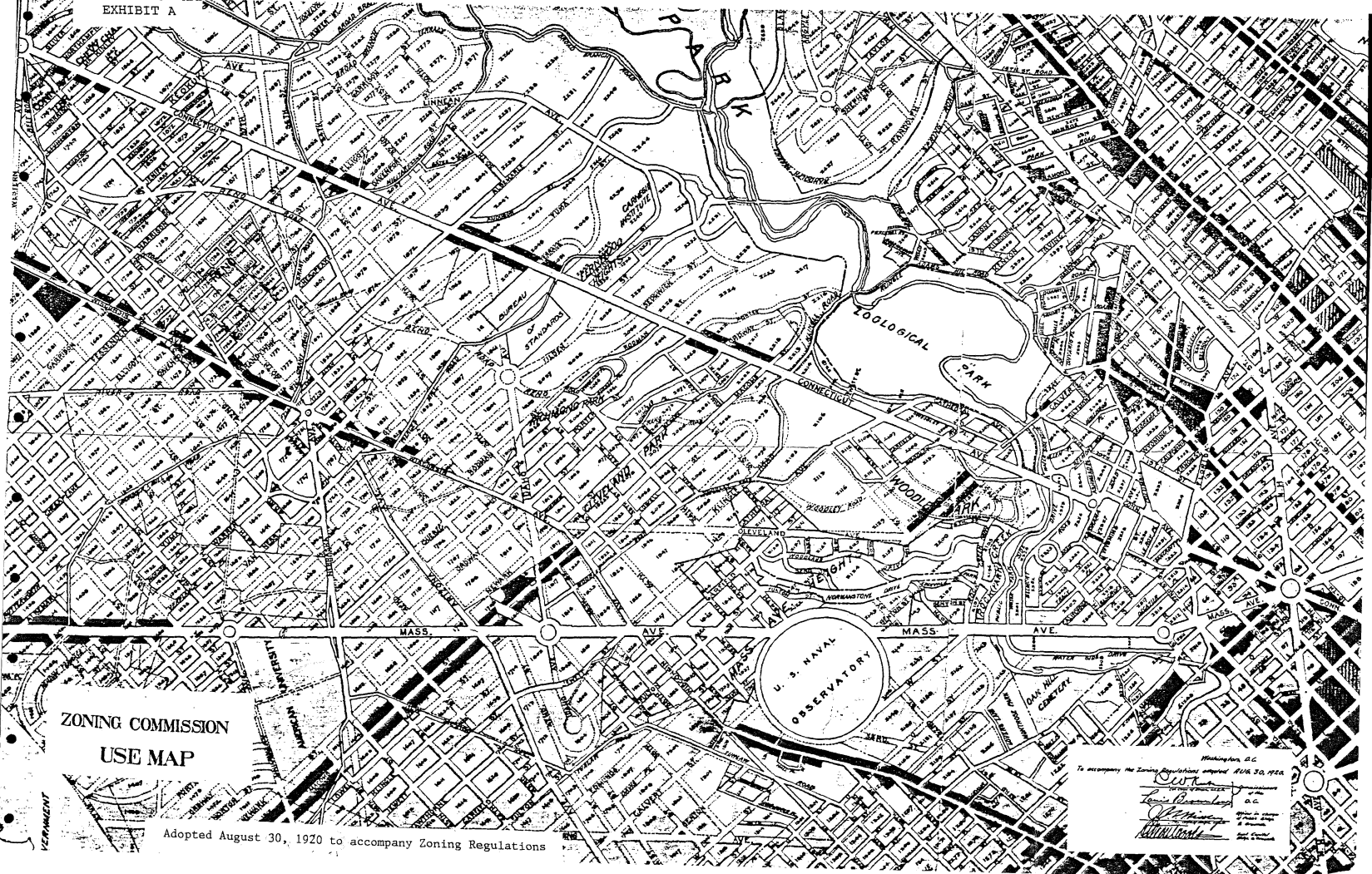
"This site [Park and Shop] should be downzoned from C-2-A to conform to the Comprehensive Plan and developed only in a manner which is consistent with the (proposed) Cleveland Park Historic District in which it would reside." (p. III-51-2)

VII. SUMMARY

1. Dollars and Cents -- You will be told that our rezoning plan will cost the City tax revenues; but (a) historic districts, themselves, are a major source of revenues for the City; (b) our proposal allows for a doubling of new square footage; and (c) as the S.F. Economic Impact Assessment noted, rezoning of neighborhood commercial areas does not cause loss of employment and revenue opportunities, but only shifts development to other underutilized neighborhoods.
2. Property Owners -- You will be told that Connecticut Avenue property owners will suffer substantial losses; but (a) land prices have already skyrocketed to the owners' benefit; (b) ground floor space is selling now for over \$200 per square foot; and (c) neighborhood-serving small businesses are actually being forced out by the higher rents landlords can charge. Moreover, as the development intensifies on Connecticut, the property values of scores of nearby residential owners fall.
3. METRO Development -- The Comprehensive Plan specifically lowered the density **AFTER** METRO opened. The argument for intensive METRO development at Cleveland Park should be directed to a Plan amendment -- not to the Zoning Commission.
4. Balance -- The Zoning Commission must balance many diverse interests; but our proposal represents the overwhelming desires of 99% of the neighborhood's residents, the elderly, the moderate income renters, the handicapped, the residential property owners, many neighborhood serving business tenants, the duly elected ANC and virtually every Ward 3 civic, church, neighborhood and community group.

THANK YOU

A



**ZONING COMMISSION
USE MAP**

Adopted August 30, 1920 to accompany Zoning Regulations

Washington, D.C.
To accompany the Zoning Regulations adopted AUG. 30, 1920.
John B. ...
...
...

B

Cleveland Park Historic District
(Designation Case 85-10)
Decision

The Historic Preservation Review Board, having held hearings on February 26, 1986 and March 12, 1986, on the application to designate the Cleveland Park Historic District to the District of Columbia's Inventory of Historic Sites, hereby designates the area described in this decision as the Cleveland Park Historic District and recommends that the State Historic Preservation Officer nominate the Cleveland Park Historic District to the National Register of Historic Places.

General Characteristics and Historical Development

The application submitted by Advisory Neighborhood Commission - 3C and the Cleveland Park Historical Society, as shown on the map submitted with that application, seeks to designate the Cleveland Park Historic District.

Historical Development

Cleveland Park has passed through three distinct periods of growth and development. It is fortunate to have architectural examples today from all eras which tangibly represent three centuries of history in a single cohesive neighborhood. The first period is from 1700 to 1800. The land which constitutes most of Cleveland Park was originally part of a large land grant in 1723 called the Addition to the Rock of Dumbarton, located in Maryland and granted to George Beall. Rosedale, one of the few surviving structures from that period, was built about 1794 with a kitchen that may date to 1740, and is the oldest house in Cleveland Park. The second phase of growth is that of country houses and summer homes from 1800-1890. From this period several estates survive and two of them, Twin Oaks and Tregaron, have been declared Landmarks of the District of Columbia. These estates are living reminders of the history of this area and of the way in which the city grew and expanded to encompass them. The last period of growth is "streetcar suburb" to urban residential community, 1894-1985. This third phase of growth was the most prolific and was responsible for shaping the character of the neighborhood known today as Cleveland Park. Cleveland Park was made possible by Senator Francis Newlands and his dream of creating the suburb of Chevy Chase, Maryland. The Chevy Chase Land Company was responsible for laying out Connecticut Avenue, building the bridges across Rock Creek at Calvert Street and across the Klinge Gap, and constructing the tracks for the electric streetcar. The opening of streetcar service in 1890 on Wisconsin Avenue and in 1892 on Connecticut Avenue connected Cleveland Park with the city center. In 1894-95, Thomas Waggaman and John Sherman, two Washington realtors, formed the Cleveland Park Company and began constructing houses. John Sherman hired the architects and took pride in the design

of the houses. He selected local architects to design the houses for the Cleveland Park Company. John Sherman also established the prevailing Cleveland Park streetscape, locating the houses deep on their lots with ample front porches. He also allowed the streets below 33rd Street to follow the natural contours of the land forming graceful curves. This significant approach to urban design was introduced by the internationally renowned landscape architect Frederick Law Olmsted whose firm was consulting with the District of Columbia on the expansion of the street system outside the city center between 1894 and 1897.

Although the building of homes in Cleveland Park's central core was largely completed by the early 1920's, none of the support services along Connecticut Avenue had been developed. The opening of the Connecticut Avenue Fire Station in 1916 heralded the beginning of the development of Connecticut Avenue. According to city directories the first shop in Cleveland Park was a pharmacy which opened in 1923 which rapidly followed by other commercial establishments. The low rise Cleveland Park commercial area, which extends from Macomb to Porter Streets along both sides of Connecticut Avenue, is a significant part of the community. Small businesses which serve the residents and occupy buildings constructed primarily in the 1920's and 1930's represent the quickly changing architectural fashions. The Park and Shop of 1930 appears to be a very early example of a neighborhood shopping center. The popularity of the Art Deco Style can be seen in the Uptown Theatre of 1936 and the adjoining shops on both sides of Connecticut Avenue in the 3400 block. The area between Klinge Road to Porter Street, has been called the best remaining example of a linear neighborhood commercial development in D.C.

In the area of apartment house development, Cleveland Park has two distinctions. The first garden apartments in the city, also known as the Cleveland Park, were constructed in 1924-25 at 3018-3028 Porter Street. Secondly, Cleveland Park is the location for some of the earliest and most innovative suburban apartment houses built in the city; most notable are Tilden Gardens and the Broadmoor.

Physical description

The particular qualities which make Cleveland Park significant arise from its unique character as a liveable in-town suburban community of single family houses, apartment houses, and small businesses. It has significant architectural examples representing three centuries of growth and development in a single cohesive neighborhood. It has a core of architect-designed late Victorian houses built between 1894 and 1901 which is unique in Washington, D.C. The overlay of history is clearly evident in Cleveland Park with its 18th and 19th century estates which coexist in a unified setting with fine examples of late 19th century Victorian houses, 20th century Art Deco apartment houses and shops, as well as International Style and other modern residences.

Three designated landmark estates represent the history of the neighborhood before the intensive suburban development at the turn of the century. These estates maintain the large surrounding tracts of land that formerly surrounded these country estates and summer houses, which were on the outskirts of the city. Their styles of architecture are representative of the times in which they were designed. Rosedale (1794) is typical of a 17th century vernacular farmhouse. Twin Oaks (1888) is unique in that it was designed to be a summer home. Stylistically, it is of national significance as an early example of the more creative phase of the Colonial (Georgian) Revival. Tregaron (1912) represents the Beaux Arts concern for the overall design and layout of an entire estate as well as the turning toward earlier European, rather than American, stylistic examples as models for contemporary designs. A fourth estate, the Homestead, or La Quinta, is occupied by the Indian Embassy. It was constructed in 1914 and designed by Frederick B. Pyle.

Most of the single family dwellings in the "streetcar suburb" were built between 1894 and 1930. The original core of the neighborhood (Newark Street, Highland Place, and Macomb Street east of Ross Place) was constructed in two phases (1894 to 1901 and 1903 to 1912) and was largely completed by 1912.

During the first phase (1894 to 1901), which set the tone for the appearance of the neighborhood, the houses were individually designed by local architects and builders who employed a great variety of styles representing the eclecticism of the day. Robert Thompson Head, the most prolific architect for the Cleveland Park Company, was influenced by Queen Anne, Colonial Revival, Japanese, and Prairie styles in his four years

of work for John Sherman. Waddy Wood introduced the first Shingle and Mission Revival homes into the neighborhood.

During the second phase of construction there was an increasing simplification in the house design which was common after the turn of the century. Cleveland Park has been called a visual textbook of the changing taste in domestic architectural styles between the years 1890 and 1940. Examples of the following styles can be identified throughout the residential neighborhood: Carpenter Gothic, Italianate, Queen Anne, Shingle, Colonial Revival, Mission Revival, Neoclassical, Japanese influence, Craftsman Bungalow, Developer's Georgian and Mission, Tudor Revival, English Cottage, Foursquare, Sears and Roebuck houses, Art Deco, International Style, and contemporary.

The Colonial Revival firehouse which opened in 1916 is the oldest and most significant building in the Cleveland Park commercial strip along Connecticut Avenue. Arthur B. Heaton's design for the Park and Shop adopted the Colonial Revival style of the fire station and Wardman rowhouses across the street. The Uptown Theatre is a significant commercial Art Deco building. The 3400 block of Connecticut on the west side is remarkably unified in appearance. The Klinge Valley Bridge which serves as an introduction to the commercial strip was designed by Paul Cret in 1931. The commercial strip from the Klinge Bridge to Porter Street has been called the best remaining example in Washington, D.C. of a linear neighborhood development. (Richard Longstreth, Director of the Graduate Program at George Washington University.)

Apartment houses predated the shops on Connecticut Avenue. Harry Wardman constructed the first apartment house in Cleveland Park at 3520 Connecticut Avenue in 1919. He followed this with ten rowhouses (3500-3518 Connecticut) in 1921. The Cleveland Park, Tilden Gardens, and the Broadmoor exemplify the historical eclecticism of the period which drew upon the building shapes and decorative elements deriving from Tudor and Jacobean architecture of the 16th and 17th centuries in England. Subsequently, the Art Deco Style became the fashion and was used by Mihran Mesrobian in the Sedgewick Gardens of 1931 and the Macklin of 1939.

Boundaries

The application for the Cleveland Park Historic District seeks to designate an area generally within the following boundaries

An area roughly bounded on the south by Woodley Road and Klinge Road from Wisconsin to Connecticut Avenue, on the west by Wisconsin Avenue from Woodley Road to Quebec Street, on the north by Quebec Street, Idaho Avenue, both sides of Rodman Street, east of 34th Street from Rodman to Tilden, and Tilden Street, between Wisconsin and Connecticut Avenues, and on the east by Connecticut Avenue from Tilden Street to the Broadmoor at 3601 Connecticut Avenue, and then down the alley on the east side of

Connecticut from Porter to Macomb, where it intersects the alley behind the houses on the north side of Macomb, down the alley to 27th Street, and to the Indian Embassy at 2700 Macomb, in the northwest sector.

Reasons for Designation

The Cleveland Park Historic District, as proposed in Designation Case 85-10, and shown on the map submitted with that application, qualifies as a Historic District of importance which contributes significantly to the cultural heritage or visual beauty and interest of the District of Columbia and its environs and which should be preserved or restored for the following reasons:

1. The Cleveland Park Historic District is a major cohesive urban neighborhood which includes 18th and 19th century estates coexisting with late 19th century Victorian houses, 20th century Art Deco apartment houses and shops, and Art Deco style and other contemporary residences. This development of Cleveland Park parallels the growth and development of Washington from land grant to metropolitan area. (Criteria 1)

2. Cleveland Park is a significant example of the development of a "streetcar suburb" created by an enlightened real estate developer who fostered a sense of pride in the community which continues to this day. The Cleveland Park Company and developer John Sherman established the prevailing residential streetscape with single family houses with associated amenities. (Criteria 1)

3. The urban design of Cleveland Park is significant because certain of the streets were designed to follow the natural contours of the land following graceful curves. This significant approach to urban design was introduced by the internationally renowned landscape architect, Frederick Law Olmsted, whose firm was consulting with the District of Columbia on the expansion of the street system outside the city center between 1894 and 1897. (Criteria 3 & 4)

4. Cleveland Park is significant because it contains virtually every major architectural style in vogue between 1890 and 1940, and represents the changing tastes in architectural styles but at the same time is distinctive as a visually unified neighborhood. The district contains many excellent and unaltered examples of the major architectural styles in the United States including Carpenter Gothic, Italianate, Queen Anne, Shingle, Dutch Colonial Revival, Neoclassical, Craftsman Bungalows, Tudor Revival, Art Deco, and contemporary. The architectural integrity of the community is present in structures ranging from the vernacular Rosedale of 1794 to a house by I.M. Pei of 1962. (Criteria 3)

5. Cleveland Park is significant because it contains excellent and largely unaltered examples of the work of architects of both national and local stature, including Charles Adams Platt, R.J. Beall, Jr., Pelz and Carlyle, Frederick B. Pyle, Waddy B. Wood, Waldron Faulkner, William Lescaze, I.M. Pei, Winthrop Faulkner, Appleton P. Clark, Jr. and Arthur B. Heaton, and Allen and Kenway. (Criteria 4)

Further, the proposed district possesses sufficient integrity to convey, represent, and contain the values and qualities for which it is judged significant, and sufficient time has passed since it achieved significance to permit a professional evaluation in its historical context.

The Board has determined that the Cleveland Park Historic District as proposed and shown on the map submitted with that application, meets the criteria of, and possesses the quality of significance present in other districts nominated to the National Register of Historic Places for the following reasons:

1. The Cleveland Park Historic District is a major cohesive urban neighborhood which includes 18th and 19th century estates coexisting with late 19th century Victorian houses, 20th century Art Deco apartment houses and shops, and Art Deco style and other contemporary residences. This development of Cleveland Park parallels the growth and development of Washington from land grant to metropolitan area. (Criteria 1)

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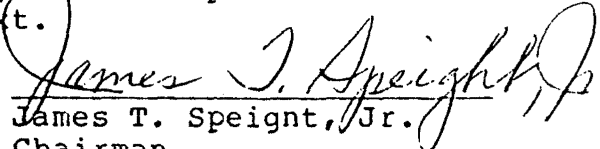
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Further, the proposed district possesses sufficient integrity to convey, represent, and contain the values and qualities for which it is judged significant, and sufficient time has passed since it achieved significance to permit its professional evaluation in its historical context.

Nov. 19, 1986


James T. Speight, Jr.
Chairman

c

THE CONNECTICUT AVENUE SHOPPING DISTRICT
IN THE
CLEVELAND PARK HISTORIC DISTRICT

OWNERSHIP OF PROPERTIES ALONG CONNECTICUT AVENUE IN CLEVELAND PARK

USAGE OF PROPERTIES ALONG CONNECTICUT AVENUE IN CLEVELAND PARK

DATE OF CONSTRUCTION OF BUILDINGS ALONG CONNECTICUT AVENUE IN CLEVELAND PARK

Prepared by Kathleen S. Wood
August 13, 1987

SQUARE 2218

LOT	STREET ADDRESS	CONSTRUCTION DATE	OWNER PRESENT OCCUPANTS	ADDRESS OF OWNERS
5	3301-5	1926	Eurerpe Economics et al Andrews Hair Stylists Cleveland Park Valet Town Jewelers	1220 L St. N.W. #300 Wash DC
6	3307	1925	Selma V. Goldberg et al Frame Mart Reza - Film editing (upstairs)	15107 Interlachen Dr. Silver Spring, Md. 20906
32	3309	1924	Gerard & M T Pain L'Escargot Restaurant	14915 Darnestown Rd. Darnestown, Md. 20874
9	3313	1924	Aeneas D. Casey Legum & Norman Realty	4500 Verplanck Pl. N.W. Wash. DC 20016
10	3315	1924	Harry Tsitouris et al Eddie's Pizza	6935 Wisconsin Ave Chevy Chase, Md. 20815
11	3317	1927	Helen L. Bensinger Brother's Sewing Machine	818 18th St. N.W. Wash. DC 20006
12	3319	1925	3319 Conn. Ltd Partnership Gallagher's Pub	3319 Conn. Ave N.W. Wash DC 20008
13	3321	1926	Tropea Family Limited PT Tropea Barber Shop Happy Inn Restaurant	3912 Morrison St. NW Wash DC 20015
14	3323	1926	Riggs Nat. Bank of Wa Adabi Oriental Rugs	Tr Real Est, Box 96202 Wash DC 20092
15	3327	1926	Riggs Nat. Bank of Wa People's Drug Store	Tr Real Est, Box 96202 Wash DC 20092
821	3327	1926	Riggs Nat. Bank of Wa People's	Tr Real Est, Box 96202 Wash DC 20092
25	3331	1941	Riggs Nat. Bank of Wa Kowloon - Indian clothes	Tr Real Est, Box 96202 Wash DC 20092
21	3333	1930	Harry & George Pistolas Uptown Cleaners Kyoko Restaurant Vic Damut Dance Studio (Upstairs)	6630 31st Pl NW Wash DC 20015
22	3335 1930	1930	Harry & George Pistolas Crown Books First Class Learning Annex (upstairs)	6630 31st Pl NW Wash DC 20015
23	3337	1931	Bernard J & F E Long H & R Block Income Tax	4201 Conn Ave NW Wash DC 20008
31	3401	1930	American Security Corp American Security Bank	635 Mass Ave NW #B 4 W Wash DC 20013

SQUARE 2219

LOT	STREET ADDRESS	CONSTRUCTION DATE	OWNER PRESENT OCCUPANTS	ADDRESS OF OWNERS
4	3407	1930	McDonalds Corp McDonalds Restaurant	McDonalds Plaza Oak Brook, Ill 60521
812	3409	1932	Riggs Nat. Bank of Wash Artisan Lamp Shop	TR REA EST, Box 96202 Wash DC 20092
813	3411	1932	Riggs Nat. Bank of Wash Roma Raw Bar	TR REA EST, Box 96202 Wash DC 20092
811	3417	1935	Charles S. Flynn Roma Restaurant/Poor Roberts	3417 Conn Ave NW Wash DC 20008
1	3419	1925	Roma Restaurant Inc Roma Restaurant entrance	3419 Conn Ave NW Wash DC 20008
2	3421	1925	John Fulton Ligon Vacant-Corrados furnishings	619 14th St NW Wash DC 20005
3	3423	1925	Fortune Joint Venture Fishery/Liquor	10601 Tulip Lane Potomac, Md. 20854
802	3425	1924	Fortune Joint Venture Visual Adventures Video	PO Box 4404 Rockville, MD 20850
809	3427	1936	Dolores Montgomery & Safeway Grocery	4501 Conn Ave NW No 317 Wash DC 20008
810	3435	1936	A Spain & D. Montgomery Perpetual Bank Club Soda - Restaurant, Bar, Music (downstairs) Tax Center (upstairs)	4501 Conn Ave NW Wash DC 20008

SQUARE 2222

807	3501-23	1930	Gwendolyn D Cafritz et al Park & Shop Shopping Center Vacant- Woodley Market, Georges Appliances Fan Store; Vintage Clothing; Antiques; Lights Benches; Gifts; Hairdresser; Video rentals	1825 K St NW Wash DC 20006
806	3529	1924	J A Sari & F E Urciolo Ambassador Liquors	4215 Argyle Terr NW DC 20011
805	3535	1923 (rebuilt)	Exxon Company USA Exxon Gas Station	PO Box 53 Houston, Texas 77001

SQUARE 2082

LOT	STREET ADDRESS	CONSTRUCTION DATE	OWNER PRESENT OCCUPANTS	ADDRESS OF OWNERS
868		1952	DC Government Cleveland Park Library	

SQUARE 2069

813	3400-12 (2911 Newark)	1939	James C Kalavritinos Macklin Apt. Hair Salon ASAP Copy Center Baby Shop Uniform Shop Four Provinces Pub	5317 Portsmouth Road Wash DC 20016
44	3414-20 3414 3416 3418 3420	1936	James & Theodore Pedas Swensen's Ice Cream Hair Cuttery Video Store Cleaners	1101 23rd St NW Wash DC 20037
43	3424 3424 3426 3428	1936	James & Theodore Pedas Calliope Bookstore Uptown Theatre Christian Science Reading Room	1101 23rd St NW Wash DC 20037
807	3430	1940	John Kay Realty Ltd Ptns U.S. Post Office	1211 Conn Ave NW # 308 Wash DC 20036
810	Behind		John Kay Realty Ltd Ptns Parking Area behind Post Office and Theater	1211 Conn Ave NW # 308 Wash DC 20036
806	3432	1922	Kenneth Fairbairn Apartment - Tailor Antiques Shop	910 17th St NW # 100 Wash DC 20006
19	3446 (2 lots 1 bldg)	1926	D B & J L Karrick Jr. Apartment Building	730 15th St NW Wash DC 20003
18	3446	1926	D B & J L Karrick Jr. Apartment Building	730 15th St NW Wash DC 20003

SQUARE 2068

LOT	STREET ADDRESS	CONSTRUCTION DATE	OWNER PRESENT OCCUPANTS	ADDRESS OF OWNERS
74	2819 Ordway	1921	2819 Ordway Partnership	2819 Ordway DC 20008
73	2817 Ord	1921	O Mazza & L Mazza family	3816 Cathedral Ave NW
74	2815 Ord	1921	O Mazza Trust & L Mazza	Wash DC 20016
88	3500	1921	Olga M Mazza Tr Woodley Flowers Uptown Cafe (upstairs)	3816 Cathedral Ave NW Wash DC 20016
70	3502	1921	Olga M Mazza Tr Vacce - Italian Deli Transcendence - Gifts/Cards (upstairs)	3816 Cathedral Ave NW Wash DC 20016
816	3504-6	1921	Olga M Mazza Tr Vacce - Italian Deli Indian Vegetarian Carry Out Food Lynelle - Women's Clothes (upstairs) Rock Creek Bookshop (upstairs)	3816 Cathedral Ave NW Wash DC 20016
67	3508	1921	Olga M Mazza Tr National Shoe Repair Acacia Animal Clinic (upstairs)	3816 Cathedral Ave NW Wash DC 20016
66	3510	1921	Olga M Mazza Tr Inside Scoop Ice Cream Alterations/Tailor (upstairs)	3816 Cathedral Ave NW Wash DC 20016
65	3512	1921	Olga M Mazza Tr Empty downstairs Chaos Unlimited Science Fiction Books (upstairs)	3816 Cathedral Ave NW Wash DC 20016
89	3514	1921	Olga M Mazza Tr Chik N Bucket Vacant upstairs	3816 Cathedral Ave NW Wash DC 20016
	3516	1921	Caffe Italiano (downstairs & upstairs)	
	3518	1921	Mona Lisa Coiffures (upstairs)	
811	lot behind with garages		Olga M Mazza Tr	3816 Cathedral Ave NW Wash DC 20016
43	3520	1919	Demetrios & H Tsintolas Tsintolas Realty	3520 Conn Ave Wash DC 20008
2 lots, 1 building				
42	3520	1919	Demetrios & H Tsintolas Ivy's Place - Indonesian & Thai food	3520 Conn Ave
809	3522	1916	DC Government Firehouse # 28	
39	3524	1945	Anna S. Sabin Yenching Palace	5106 Cape Cod Court Bethesda, MD 20816
38	3526	facade change	Margaret Blaine Wiley Yenching Palace	3133 Conn Ave Wash DC 20008
802	3532	1922	D S Lenhoff & Z Channing Seven Eleven Monterey Apartment House	4201 Conn Ave NW Wash DC 20008

D

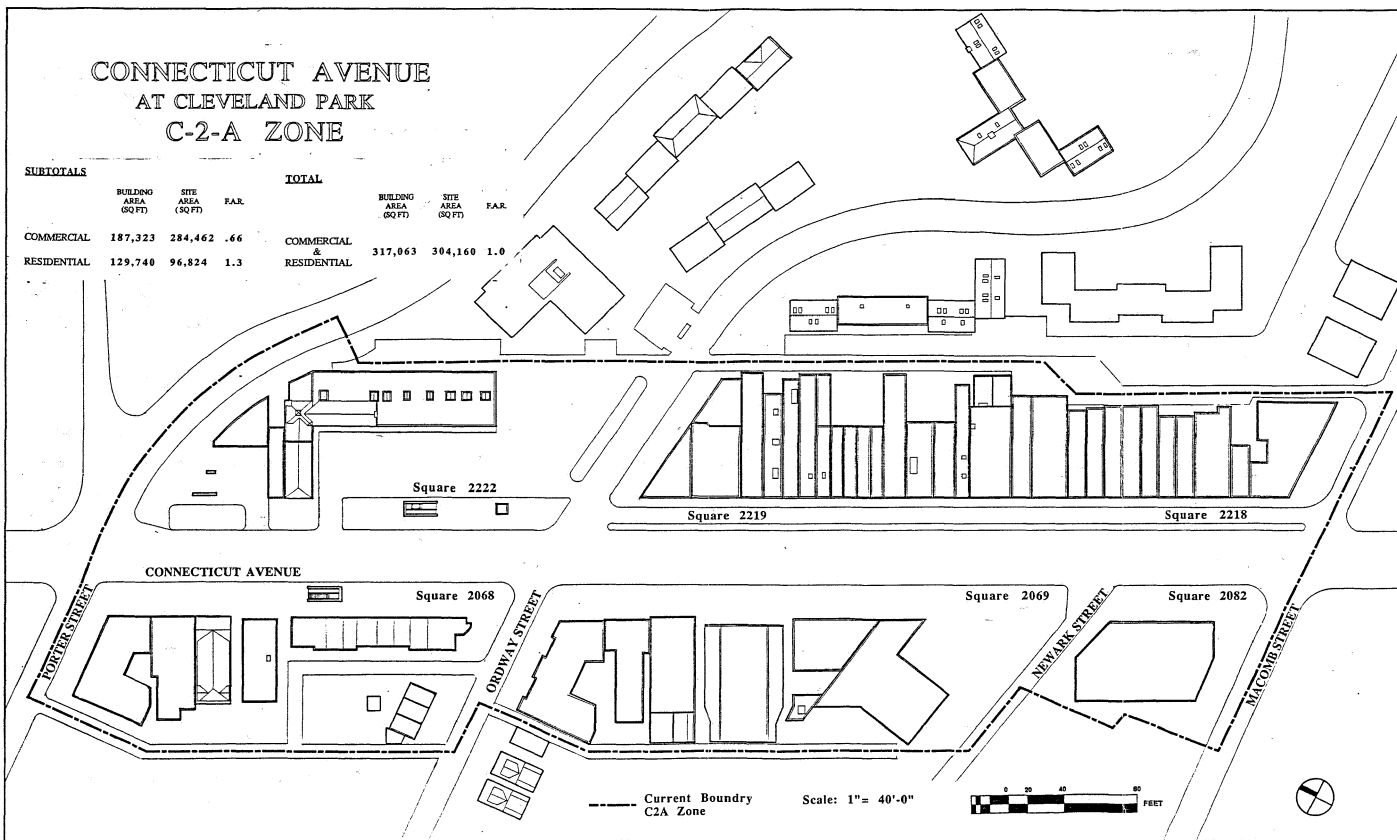
CONNECTICUT AVENUE AT CLEVELAND PARK C-2-A ZONE

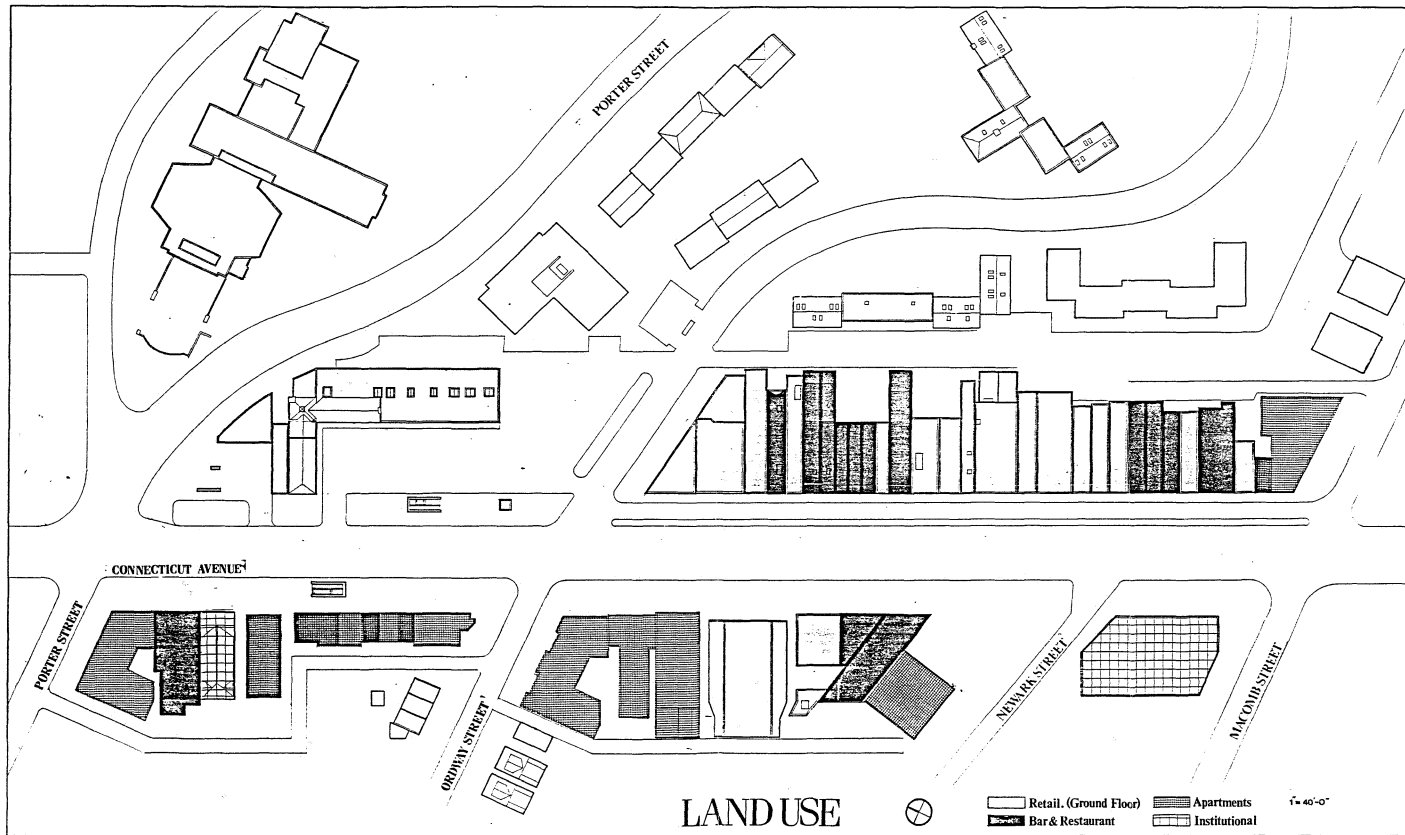
SUBTOTALS

	BUILDING AREA (SQ FT)	SITE AREA (SQ FT)	F.A.R.
COMMERCIAL	187,323	284,462	.66
RESIDENTIAL	129,740	96,824	1.3

TOTAL

	BUILDING AREA (SQ FT)	SITE AREA (SQ FT)	F.A.R.
COMMERCIAL & RESIDENTIAL	317,063	381,286	1.0





Richard Ridley+Associates
URBAN DESIGN | ARCHITECTURE | INTERIOR DESIGN

LAND USE INFORMATION RESPECTING
CONNECTICUT AVENUE NORTHWEST FROM
PORTER STREET TO MACOMB STREET
(CLEVELAND PARK) .

COMPILED IN CONNECTION WITH ZONING
COMMISSION CASE NO 86-26 .

SUBMITTED BY THE
CLEVELAND PARK HISTORICAL
SOCIETY .

JANUARY 21 , 1988

CONNECTICUT AVENUE
AT CLEVELAND PARK

CONNECTICUT AVENUE C2A

Commercial & Residential Totals

TOTAL BUILDING SQUARE FOOTAGE IN C2A ZONE.

Connecticut East	(Porter-Ordway)	23,400
	(Ordway-Macomb)	120,838
Connecticut West	(Porter-Ordway)	67,925
	(Ordway-Newark)	92,550
	(Newark-Macomb)	12,350
		<hr/> 317,063

TOTAL SITE SQUARE FOOTAGE IN C2A ZONE

Connecticut East	(Porter-Ordway)	62,750
	(Ordway-Macomb)	92,509
Connecticut West	(Porter-Ordway)	50,998
	(Ordway-Newark)	78,046
	(Newark-Macomb)	19,857
		<hr/> 304,160**

F.A.R. = 1.0

** Totals are less than residential and commercial subtotals because the site area of a building with both residential and commercial use is used only once.

CONNECTICUT AVENUE C2A COMMERCIAL

TOTAL COMMERCIAL BUILDING SQUARE FOOTAGE IN C2A ZONE.

Connecticut East	(Porter-Ordway)	23,400
	(Ordway-Macomb)	92,038
Connecticut West	(Porter-Ordway)	28,310
	(Ordway-Newark)	31,225
	(Newark-Macomb)	12,350
		187,323

TOTAL COMMERCIAL SITE SQUARE FOOTAGE IN C2A ZONE.

Connecticut East	(Porter-Ordway)	62,750
	(Ordway-Macomb)	92,509
Connecticut West	(Porter-Ordway)	41,900
	(Ordway-Newark)	67,446
	(Newark-Macomb)	19,857
		284,462

F.A.R. = .66

CONNECTICUT AVENUE C2A RESIDENTIAL

TOTAL RESIDENTIAL BUILDING SQUARE FOOTAGE IN C2A ZONE

Connecticut East	(Porter-Ordway)	--
	(Ordway-Macomb)	28,800
Connecticut West	(Porter-Ordway)	39,615
	(Ordway-Newark)	61,325
	(Newark-Macomb)	--
		<hr/> 129,740

TOTAL RESIDENTIAL SITE SQUARE FOOTAGE IN C2A ZONE

Connecticut East	(Porter-Ordway)	--
	(Ordway-Macomb)	9,479
Connecticut West	(Porter-Ordway)	36,998
	(Ordway-Newark)	50,347
	(Newark-Macomb)	--
		<hr/> 96,824

F.A.R. = 1.3

CONNECTICUT AVENUE EAST

BETWEEN PORTER AND ORDWAY STREETS

ADDRESS	USE	BUILDING AREA (Sq ft)	SITE AREA (Sq ft)	F.A.R.	BUILDING HEIGHT (ft)	FLOORS (No)
Gas Station.	C	2,550	10,000	.25	18	1
Liquor Store.	C	1,600	2,750	.58	15	1
Park And Shop.	C	19,250	50,000	.38	30	1
<hr/>						
Total	C	23,400	62,750	.37		

CONNECTICUT AVENUE EAST

BETWEEN ORDWAY AND MACOMB STREETS

ADDRESS	USE	BUILDING AREA (Sq ft)	SITE AREA (Sq ft)	F.A.R.	BUILDING HEIGHT (ft)	FLOORS (No)
Perpetual Bank	C	8,500	4,582	1.85	25	2
Safeway	C	7,418	7,418	1.0	10	1
Visual Adventures	C	3,360	3,360	1.0	10	1
Seafood Market	C	2400	2,660	.90	10	1
Vacant (Restaurant proposed)	C	2,660	2,660	1.0	10	1
Cafe Roma	C	6,100	6,860	.89	10	1
Poor Roberts Tavern	C	1,200	2,100	.57	10	1
Oyster Bay Artisan Lamp Co	C	2,400	4,200	.57	10	1
McDonalds	C	3,500	3,500	1.0	10	1
American Security	C	6,050	7,700	.78	10	2
H&R Block	C	1,950	2,020	.96	10	1
Crown Books, Learning Annex, Uptown Cleaners, Daumit Dance Studio.	C	12,600	6,300	2.0	20	2

Kowloon Fashions	C	2,400	2,800	.85	10	1
Peoples Drug	C	6,800	7,700	.88	10	1
Oriental Rugs	C	2,100	2,145	.97	10	1
Custom Barbers Happy Inn	C	2,100	2,145	.97	10	1
Gallaghers Pub	C	2,100	2,145	.97	10	1
Brothers Vacuum Repair	C	2,100	2,145	.97	10	1
Uptown Pizza	C	1,800	2,145	.84	10	1
L&N Reality	C	1,800	2,145	.84	10	1
L'Escargot French Cuisine	C	4,100	4,200	.98	10	1
Frame Shop	C	1,400	2,100	.66	20	2
Apartments	R	28,800	9,479	3.0	56	5
Four Seasons Rest- aurant, Shoe Repair	C	7,200	(9,479)*	.76		

Subtotals	C	92,038	92,509	.99		
	R	28,800	9,479	3.0		

Total		120,838	92,509* *	1.3* *		
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* Used to compute F.A.R. only.

** Totals are less than R&C subtotals because the site area of a building with both residential and commercial use is included only once.

CONNECTICUT AVENUE WEST

BETWEEN PORTER AND ORDWAY STREETS

ADDRESS	USE	BUILDING AREA (Sq ft)	SITE AREA (Sq ft)	F.A.R.	BUILDING HEIGHT (ft)	#FLOORS
3530						
Apartments	R	20,640	13,700	1.4	50	5
Seven Eleven	C	5,160	(13,700)*	.38		
3524						
Peking Palace	C	4,050	7,000	.58	12	1
3522						
Fire Station	C	7,200	7,000	1.02	35	2
3520						
Apartments	R	11,400	7,000	1.63	44	2
Thai restaurant	C	3,800	(7000)*	.54		
3516-3514						
Apartments	R	1,050	2,200	.47	35	3
Chick'n bucket/ Cafe	C	2,100	(2,200)*	.95		
3512						
Apartments	R	600	1,000	.60	35	3
Tailors/Inside scoop	C	1,200	(1,000)*	1.2		
3510						
Apartments	R	600	1,000	.60	35	3
Shop	C	1,200	(1,000)*	1.2		
3508						
Apartments	R	600	1,000	.60	35	3
Shoe shop	C	1,200	(1,000)*	1.2		
Animal clinic						
3506-3504						
Apartments	R	1,200	2,000	.60	35	3
Madras/Book Store	C	2,400	(2,000)*	1.2		
2815-2819A (ORDWAY)						
Apartments	R	3,525	6,398	.55	35	2
Rear Lot	R	0	2,700	-	-	-
Subtotals	R	39,615	36,998	1.1		
	C	28,310	41,900	.68		
Totals		67,925	50,998**	1.33* *		

* Used to compute F.A.R. only.

** Totals are less than R&C subtotals because the site area of a building with both residential & commercial use is included only once .

CONNECTICUT AVENUE WEST

BETWEEN ORDWAY AND NEWARK STREETS

ADDRESS	USE	BUILDING AREA (Sq ft)	SITE AREA (Sq ft)	F.A.R.	BUILDING HEIGHT (ft)	FLOORS (No)
3446						
Apartments	R	37,375	10,600	3.5	50	5
3432-3430						
Apartments	R	9,250	7,000	1.3	32	3
Photo studio	C	4,625	(7000)*	.66		
Tailors						
3430						
Post Office	C	6,300	7,000	.90	20	1
3428						
Uptown Theatre	C	11,400	16,048	.71	40	1
3426						
Drycleaners, Video shop, Super Cut Hair Swensens.	C	4,000	4,651	.86	16	1
3420						
Apartments	R	14,700	32,747	.44	40	4
Four Provinces, Shawn Charles, Uniforms, etc.	C	4,900	(32,747)*	.15		
<hr/>						
Subtotal	R	61,325	50,347	1.2		
	C	31,225	67,446	.46		
Total		92,550	78,046**	1.2**		

* Used to compute F.A.R. only.

** Totals are less than R&C subtotals because the site area of a building with both residential and commercial use is included only once.

CONNECTICUT AVENUE WEST

BETWEEN NEWARK AND MACOMB STREETS

ADDRESS	USE	BUILDING AREA (Sq ft)	SITE AREA (Sq ft)	F.A.R.	BUILDING HEIGHT (ft)	FLOORS (No)
Library	C	12,350	19,857	.62	16	1

Total	C	12,350	19,857	.62		
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SOURCES

Building square footages were calculated using 1:40 aerial photographs and field surveys.

Aerial photographs prepared by:

AEROECO INC
232 Cardamon Dr.
Edgewater
M.D. 21037

Lot areas and dimensions were obtained from maps available at the D.C. tax assessors office.

Store frontages and building heights were calculated using photographs and field surveys.

The number of units in apartment buildings and the parking spaces available were obtained from building managers and field surveys.

E

HISTORIC PRESERVATION LAW AND TAXATION

Volume 1

by

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 **Times Mirror
Books**

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Printed in the United States of America
Library of Congress Catalog Card Number: 86-72242

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(Rel 1-9 87 Pub 509)

§ 7.05 Integration of Historic Preservation Elements With Other Local Ordinances

[1]—Land Use and Zoning Ordinances

Since 1931, when Charleston, South Carolina enacted the first municipal preservation ordinance, cities and towns throughout the United States have been looking for legal mechanisms with which to better preserve and enhance the historic fabric of their communities. It has been clear from the outset that neither restoration of individual landmarks nor designation of historic districts, alone, would be enough. Indeed, some of the earliest cases in historic preservation law focused on a jurisdiction's legal ability to regulate non-historic, as well as historic property in order to preserve the existing character of an area.¹³⁰

It is now widely recognized that preservation of a significant historic area will require much more than traditional demolition and design restrictions on only buildings of architectural and historical significance within the area. As the District Court in *Maher v. City of New Orleans* observed: "[j]ust as important is the preservation and protection of the setting or scene in which [such buildings] are situated."¹³¹ "Comprehensive regulation . . . is the only feasible manner in which the historic aspects of an entire district can be maintained."¹³² Thus, regulating non-contributing buildings and controlling the height, density and use of new construction have become as important as retaining design control over additions and alterations to historic structures in a community's efforts to preserve the "tout ensemble" of local historic districts.

This means that an effective preservation program should be fully integrated with municipal and county comprehensive plans, zoning laws and other local land use regulations. Many municipalities are finding it necessary also to create special review districts to insure that their historic areas are preserved and that only compati-

¹³⁰ In *City of New Orleans v. Pergament*, 198 La. 852, 5 So.2d 129 (1941) the Louisiana Supreme Court handed down what is referred to today as the "tout ensemble" doctrine, i.e. that the power to regulate historic structures in a given area applies to all buildings within that area whether or not a given building is historically significant. In *Pergament*, the court upheld the Vieux Carre Commission's authority to regulate a modern filling station located within the French Quarter.

¹³¹ *Maher v. City of New Orleans*, 371 F. Supp. 643, 663 (E.D. La. 1974).

¹³² *A-S-P Associates v. City of Raleigh*, 298 N.C. 207, 258 S.E.2d 444, 450-451 (1979).

ble new development occurs therein. Rural communities, too, are feeling the pains of development pressures from nearby metropolitan areas and are scrambling to find a more effective set of controls than traditional historic districting.¹³³ Some jurisdictions are creating new, broadly focused conservation districts which incorporate preservation as well as other growth management and environmental controls. Outlined below are some of the newer methods chosen by cities and towns to protect their historic resources by integrating their preservation programs with overall local land use regulations.

[a]—Identifying the Problem: Regulatory Impediments to Preservation

Despite strong preservation ordinances, historic structures often will not be preserved in the face of mounting development pressures, unless there are compatible local zoning laws. Too often, for example, a small landmark building is suddenly demolished or dwarfed by a huge new structure built right next to it; or an art deco shopping center is replaced by an inappropriate office building in a residential neighborhood. In many cases, the problem lies not with loopholes in the preservation ordinance, but in the lack of the structure's compatibility with a comprehensive plan, local zoning regulations or other land use controls. In Washington, D.C., for example, the City's 1958 zoning laws have never been coordinated with its more recent 1978 preservation ordinance. The result can be chaos for preservationists as well as for developers because no one knows which set of regulations is controlling.

[i]—Height and Density Classifications. The problem of integration is particularly acute in some of Washington, D.C.'s historic residential neighborhoods, especially in the Northwest quadrant of the City. In this area, along the Wisconsin and Connecticut Avenue corridors, development pressure for high-rise office buildings is intense, accelerated by the City's new METRO rail system. Develop-

¹³³ For example, Waterford, Virginia, a small unincorporated village that was settled by the Quakers in 1733, is currently threatened by severe development pressure from the Washington, D.C. metropolitan area. Despite Waterford's status as a National Historic Landmark, it is virtually unprotected from private development. The village of Waterford is desperately exploring alternatives to prevent the construction of a new subdivision which could double its present population and destroy its historic and pristine setting, causing loss of landmark designation.

ers are being encouraged by the out-of-date, permissive zoning¹³⁴ to fill commercial envelopes in the midst of such residential historic districts as Cleveland Park. Until such districts can be rezoned in terms of height and density, preservationists will face an uphill battle to protect their neighborhoods.

At the site of Park and Shop shopping center on Connecticut Avenue in Cleveland Park, for example, developers have announced plans to tear down the one-story shopping center which has served the neighborhood for over 50 years and replace it with a 5 or 6 story office tower with four movie theatres. Current zoning—never revised to take account of the 1986 designation of Cleveland Park as a historic district—would permit this type of commercial development. Thus, the zoning previously in place actually encourages the demolition of historic structures and allows for incompatible new construction.

[ii]—Use Classifications. Zoning laws not only deal with such matters as height and density controls but also regulate use. In the Park and Shop example, in section [i] directly above, nothing in the older C-2-A zoning classification mandates maintenance of neighborhood-oriented uses such as those businesses in the Park and Shop complex. The economics of new development favor night clubs, bars and theaters over dry cleaners, shoe repair and hardware stores that cannot pay the vastly increased rents which result from development. Indeed, three blocks from the Cleveland Park Historic District, along Wisconsin Avenue in a predominantly residential neighborhood, developers have built, as a “matter of right,” the fourth largest private office building in Northwest Washington, which includes the downtown area of the city.

The other side of the use coin is where older uses can inhibit new preservation efforts. In Chicago, for example, industrial buildings which previously housed large-scale printing operations are being converted into residential loft space in an area known as “Printers House Row.” Because the area is now zoned “residential,” developers are required to provide parking spaces for fifty-five percent of the number of residential units after conversion. Developers, however, find it difficult to meet this requirement in an area that had been previously zoned for industrial use with no stipulations for parking. As a result, loft space remains unconverted because a de-

¹³⁴ Washington's 1958 zoning was intended to encourage construction of office buildings outside of downtown to minimize losses in case of Soviet atomic attack.

veloper cannot meet the parking requirements and still provide affordable housing.

[b]—Developing a Comprehensive Preservation Program

[i]—The Comprehensive Plan. Effective preservation programs will require better integration of preservation objectives with such other local regulatory and planning concerns as land use, public transportation, housing, economic development and open space. This can best be addressed by a local comprehensive plan. For example, in Roanoke, Virginia, the City decided that its existing zoning ordinance, zoning district classifications, and demolition procedures actually had a negative impact on neighborhood conservation efforts. A key concern was that the three regulatory boards with land use decision making authority, the Planning Commission, Architectural Review Board and Board of Zoning Appeals, were administering uncoordinated policies. Roanoke's comprehensive solution is discussed below in Section 7.05[1][b][ii][B].

A number of jurisdictions are including an historic preservation element in their comprehensive plans.¹³⁵ Not only does a new look at a comprehensive plan help to better identify and coordinate land use and preservation priorities, but such an approach also will survive judicial scrutiny in the face of legal challenges. For example, under Virginia law the degree of deference to a local government's regulatory scheme varies depending upon whether a particular zoning amendment is classified as "comprehensive rezoning" or "piecemeal rezoning." A comprehensive zoning amendment is one affecting a substantial portion of land belonging to a number of landowners, and is usually undertaken to implement a broad public policy upon recommendation of a county planning staff. Such an amendment is considered a legislative act and entitled to broad judicial deference. On the other hand, a piecemeal rezoning amendment which affects only a few property owners is subject to close judicial scrutiny and will be upheld only if there has been a change

¹³⁵ Examples of comprehensive city plans with historic preservation elements can be found in the District of Columbia, Portland, Oregon, and San Francisco, California. New Florida law requires that a preservation element be included in a local jurisdiction's comprehensive plan. See, e.g., Fla. Stat. Ann. § 163.3177(6)(d), (f) which requires that preservation be a mandatory element of a local comprehensive plan.

in circumstances affecting the public health, safety, or welfare.¹³⁶

In a growing number of states, the local government's comprehensive plan provides the best legal basis upon which to ground new zoning regulations. Therefore, it may be advisable to first revise or amend the local comprehensive plan to include certain historic preservation objectives before endeavoring to add new zoning measures compatible to preservation. California, Kentucky, Oregon, and Nebraska, to name but a few states, have adopted legislation which requires that a local zoning ordinance be consistent with the local government's comprehensive plan.¹³⁷ While the courts have construed consistency requirements somewhat loosely, they nonetheless have required that zoning changes be compatible with the objectives, policies and general land uses proposed in the comprehensive plan.¹³⁸

It is not enough that a comprehensive plan merely mention historic preservation goals along with other land use objectives. Such goals should be integrated and prioritized with the plan's other elements. At the very least, historic preservation concerns should be construed by courts and zoning commissions to have some priority over other land use objectives within designated local historic districts. For example, Washington, D.C.'s new Comprehensive Plan identifies ten non-federal "elements" such as land use, transportation, economic development, and housing in addition to historic preservation. However, because of "political sensitivities," the Plan does not relate one element to the other or emphasize one element over another, even in designated historic districts.

This result is not entirely satisfactory because the elements often clash with one another; e.g., office development at METRO rail

¹³⁶ See, e.g., *Board of Supervisors v. Carper*, 200 Va. 653, 107 S.E.2d 390 (1959) and *Board of Supervisors of Fairfax County v. Snell Construction Corporation*, 214 Va. 655, 202 S.E.2d 889, 893 (Va. 1974).

¹³⁷ See, e.g., Cal. Govt. Code § 65860(a); Neb. Rev. Stat. § 19-903; Ky. Rev. Stat. Ann. § 100.213; Fla. Stat. Ann. § 163.3194(1); N.J. Stat. Ann. § 40:55D-62(a). For a chart identifying which states have mandatory and optional land use plan requirements and which states have adopted a consistency requirement, see, D. Mandelker and Edith Netter, "Comprehensive Plans and the Law" reprinted in *Land Use Law Issues for the 80's*, Part 1, American Planners Association, Planners Press, p. 55.

¹³⁸ See, e.g., *Gillis v. City of Springfield*, 611 P.2d 355 (Or. App. 1980); *Maracci v. City of Scappoose*, 26 Or. App. 131, 552 P.2d 551 (1976); *Town of Bedford v. Village of Mount Kisco*, 33 N.Y.2d 178, 306 N.E.2d 159 (1973).

stops versus historic preservation. However, it is arguable that, at least in designated historic districts, the preservation element should be given preference over other elements such as transportation or economic development, and that the land use element should be interpreted to favor preservation and adaptive reuse over demolition and new construction.

(ii)—Land Use and Zoning Changes. In addition to changing the comprehensive plan to better address preservation concerns, zoning ordinances will also have to be revised to reduce development pressures for demolition of historic structures and inappropriate new construction. Such revisions to zoning codes can be done in conjunction with the overall planning process or separately by piecemeal initiation of specific rezoning actions. The latter, however, may be less effective as a long-term solution and is more vulnerable to constitutional challenge if done on a "spot" basis.

The legal mechanisms for integrating traditional zoning controls (height, density, use) with preservation concerns (demolition, design, ambience) will vary depending upon the nature of each problem and the community's readiness for change. Some jurisdictions may elect simple rezoning. For example, Shirley, Massachusetts, a rural town located in western Massachusetts, downzoned the land surrounding its preservation area to create a buffer zone between encroaching development and its historic district.¹³⁹ Other jurisdictions such as Denver, Colorado, have developed special design controls to regulate new construction.¹⁴⁰ Some cities such as Charleston, South Carolina, have imposed height restrictions over historic districts to insure the continued dominance of important church

¹³⁹ See, Revised Zoning Protective By-Law, Town of Shirley, Massachusetts, 1985. The DuPont Circle area in Washington, D.C. was downzoned to protect the newly won DuPont Circle Historic District. (See, Zoning Commission Order No 282, June 14, 1979.)

¹⁴⁰ Denver has proposed the adoption of minimum design guidelines in its historic Lower Downtown to regulate the architectural style, massing, texture, scale, color, and materials of existing and proposed structures. Before a property owner may apply for a building permit, he must attend a pre-application conference to confer with the Planning Office about his proposal. Projects that do not meet the minimum design criteria must enter into a design review process before a building permit may be issued. See, B-7 Zone District Proposed Amendments. For further information, contact the Denver Planning Office, 1445 Cleveland Place, Denver, Colorado 80802.

spires and other landmark buildings.¹⁴¹

Perhaps the most effective method of integrating preservation controls with zoning regulations is the use of a special overlay zone in an historic district¹⁴² or the adoption of a separate historic zoning ordinance which can be tailor-made to respond to the specific circumstances of each district.¹⁴³ Whether an overlay zone on a historic district or a special preservation zone is established, these solutions deal in a comprehensive way with both zoning and preservation concerns in a specific area. They do not allow one set of regulations to play off against another set of regulations as is often the case in many jurisdictions.

[A]—San Francisco, California. San Francisco, California, under pressure from citizen activists, recently developed a comprehensive program that endeavors to promote historic preservation and other environmental objectives, while shifting growth to underutilized areas of the City.

The Downtown Plan. The central component of San Francisco's new land use regulations is its Downtown Plan and implementing ordinance.¹⁴⁴ The Plan provides for the preservation of 250 identified, significant buildings and encourages the preservation of an additional 182 contributing structures. In addition, six conservation districts have been established and special attention to scale and contextual design is encouraged, but is not mandatory. The Plan also places a limit on new office building development of approximately 950,000 square feet per year.¹⁴⁵ Significantly, allow-

¹⁴¹ See, e.g., Charleston, South Carolina's City Code, Art. 3, § 54.

¹⁴² See, e.g., Title 33 of Portland, Oregon's Municipal Code which creates an overlay zone for both historic and conservation districts and provides for the regulation of siting, height and bulk, scale and proportion, and materials, colors and textures within those districts.

¹⁴³ For example, in Dallas, Texas, each historic district is created by separate ordinance and includes whatever controls are necessary to protect the specific design and character of the area. The restrictions on such districts are not limited to only architectural review matters but include controls on height, siting, massing, etc. For information on specific ordinances, contact the Department of Planning and Development, City Hall, 5/b/North, Dallas, Texas 75201.

¹⁴⁴ See, Article 11 of the San Francisco Planning Code.

¹⁴⁵ In November 1986, San Francisco voters approved Proposition M, which provides that only half of the annual amount, or 475,000 square feet, may be used for new projects. The remaining half must be assigned to projects that had been approved (were in the pipeline) before the development cap was adopted.

able height and density rules in areas where historic buildings are concentrated have been tightened to reduce pressure for demolition of older structures and construction of inappropriate new development.

Neighborhood Commercial Districts. San Francisco also has proposed new regulatory controls for its over 200 neighborhood commercial districts.¹⁴⁶ Like several other major cities, San Francisco found that its existing, permissive zoning was encouraging the transformation of small neighborhood-oriented commercial centers to larger, medium-density complexes which catered to a market well beyond the immediate neighborhood. The gradual displacement of community businesses by fast food restaurants, bars and commercial offices has had an adverse impact on the quality of life nearby. In addition, the resulting traffic congestion, noise, and office expansion has destroyed much of the scale and linear quality of the older neighborhood centers.

In response to this problem, San Francisco proposed a new neighborhood commercial zoning system which divides its 210 neighborhood commercial districts into four general classifications and creates new individual, zoned districts for 16 separately identified, commercially active neighborhoods. A full range of height, density, set-back, and use controls have been developed to enable each type of commercial district to deal with its particular conditions. For example, in older commercial areas with historically or architecturally significant buildings, certain height restrictions and density controls are imposed to assure that the scale of any new development is fully compatible with existing structures. Similarly, where commercial uses were usurping housing needs, only residential uses will be permitted on the upper stories of buildings along commercial corridors in such areas.

While the plan generally results in a "downzoning" of previously allowable height and FAR (floor area ratio), it conforms to what currently exists in the vast majority of the neighborhood commercial areas. As the City's own economic assessment notes, it seems doubtful that any overall economic harm will be done to City revenues, jobs, and retail sales figures, although the proposal may change their relative allocations among districts throughout the

¹⁴⁶ San Francisco's Board of Supervisors is expected to adopt its new neighborhood commercial rezoning package in the Spring of 1987.

City.¹⁴⁷

Regulation of Historic Properties. In addition to separate land use legislation for its downtown and neighborhood commercial districts, San Francisco also has proposed specific provisions that would encourage the preservation of its architectural and historic resources outside as well as inside such districts. The proposed revisions to Article 10 of the San Francisco Planning Code provide the legal framework for separate designation and control of landmarks and historic districts, regardless of whether such resources already are located within the previously designated downtown or neighborhood commercial districts.

Furthermore, Article 10 establishes the regulatory framework for developing complementary zoning tools that will effectively control future development in such designated historic districts. In San Francisco, every historic district is designated by a separate ordinance. Under that designating ordinance, each building and open space within the district is classified according to its significance, which then serves as the basis for identifying the level of protection provided. In addition and most significantly, the designating historic district ordinance identifies whether any additional controls or standards are to be applied to protect the individual landmark or district being designated. For example, the ordinance may impose setback requirements, height limitations, or bulk and floor area ratio controls to alleviate pressure for new construction and to provide for compatible new development.

[B]—Roanoke, Virginia. Comprehensive revisions of local land use regulations also are occurring in smaller cities such as Roanoke, Virginia.¹⁴⁸ Roanoke's new coordinated land use and preservation regulations are designed to encourage preservation of its older neighborhoods and revitalization of its downtown, while, at the same time, foster appropriate economic development, and overall enhancement of the City's physical and environmental infrastructure.

¹⁴⁷ Economic Impact Assessment accompanying Report on Neighborhood Commercial Rezoning which can be obtained from Department of City Planning, 450 McAllister Street, San Francisco, CA 94001, at p. 17.

¹⁴⁸ For an excellent discussion of Roanoke's new zoning system, see, Roanoke Vision—Zoning: A Process for Balancing Preservation and Change, 1986. Copies are available from the National Trust for Historic Preservation, 1785 Massachusetts Avenue, NW, Washington, D.C. 20036 on a limited basis.

Many of Roanoke's changes were enacted in response to problems with existing zoning regulations which encouraged the gradual deterioration of its older, urban neighborhoods. For example, to prevent the intrusion of inappropriate office or commercial uses into residential areas, Roanoke created a new Neighborhood Commercial District zoning classification. This classification allows only neighborhood-oriented and in-scale retail sales and personal services appropriate to residential areas.

Roanoke's new comprehensive zoning ordinance establishes 18 districts with four classes of uses, creating a full spectrum of density zones.¹⁴⁹ Several of these districts were established explicitly to encourage historic preservation and neighborhood conservation by limiting densities to those compatible with existing structures. In addition, Roanoke created two special overlay zoning districts, an H-1 Historic District and an H-2 Neighborhood Preservation District. Both of these classifications are designed to encourage the preservation of existing buildings and discourage demolition. In both H-1 and H-2 districts, preservation restrictions on design review and demolition are coordinated with traditional zoning controls over height, FAR (floor area ratio), and usage whenever additions, alterations, or new construction is proposed. The Roanoke ordinance has become something of a model for comprehensive land use treatment of preservation issues.

[C]—Seattle, Washington. Seattle also has adopted municipal legislation providing for the establishment of special review districts for the express purpose of controlling uses and future development in sensitive areas such as historic districts.¹⁵⁰ These special districts are created by ordinance and may impose additional controls on development beyond those specified in the city's land use code and historic district regulations. Thus far, special review districts have been established in the Pioneer Square and Pike Street Market historic districts.

Each special review district has adopted use and development standards which discourage demolition and promote compatible new development. A special review district also may impose additional height restrictions on new construction and regulate certain

¹⁴⁹ See, Section 36-1 *et seq.* of Roanoke's municipal code.

¹⁵⁰ See, Seattle, Washington Municipal Code, Subtitle IV, Part 1, Chapter 23.30.

uses, such as fast food restaurants, which may have an adverse impact on the historic character of a particular area.

Pioneer Square. Pioneer Square is located near Seattle's waterfront and is situated just south of the city's central business district. It is the site of the beginning of Seattle and has an impressive collection of nineteenth and early twentieth century buildings. Seattle created a special review district for Pioneer Square in order to preserve, protect and enhance the historic character of the area and to improve the visual and urban relationships between existing buildings and any new construction which might occur.

In order to adequately protect Pioneer Square from inappropriate development as well as noise and traffic pollution, specific standards were developed to regulate various uses and new development within the area.¹⁵¹ For example, the demolition of buildings of architectural and historical significance within the district are prohibited and other buildings may be demolished only if approved by the Director of Community Development. Some uses are prohibited or subject to detailed review, such as parking garages, while certain preferred uses at the street level are encouraged, such as restaurants and other retail services.

The standards for Pioneer Square govern traditional zoning concerns such as height, maximum set backs, signs, and location of parking. They also set forth specific design criteria for new construction to ensure compatible development. For example, the standards require that exterior building facades be constructed of brick, sandstone or similar stone unless special approval has been obtained from the Community Development Director following review and recommendation by the Pioneer Square Preservation and Review Board. Moreover, window proportions, floor height, cornice line, street elevations and other elements must relate to the scale of other buildings in the immediate area. Indeed, zoning and preservation concerns are well integrated in these special districts.

[D]—Boston, Massachusetts. Boston, like several other attractive cities, has been unable to regulate growth effectively in its downtown area under its existing zoning code. Moreover, it has no existing mechanism for resolving conflicts between competing land uses or addressing other important environmental or municipal development concerns. Boston is now in the process of revising its

¹⁵¹ See, Subchapter VII of Seattle's land use regulations. (Note 150 above.)

zoning regulations by adopting a Downtown Interim Planning Overlay District (IPOD) to provide temporary control over new construction while a new system of permanent regulatory controls is developed.¹⁵²

The IPOD is another example of the integration of preservation controls with other land use policies. It creates five categories of subdistricts including Priority Preservation,¹⁵³ Restricted Growth,¹⁵⁴ Medium Growth,¹⁵⁵ Economic Development¹⁵⁶ and Open Space.¹⁵⁷ Through these subdistrict classifications, Boston will regulate building size, location and use. Large development projects will be channeled to medium growth and economic development districts in order to preserve the existing character of lower density areas and encourage new development on underutilized sites.

Boston also has proposed a Development Review Requirement which applies to any development involving the construction, rehabilitation or expansion of structures with a gross floor area over 50,000 square feet.¹⁵⁸ The process is similar to environmental review processes in effect at the federal and state levels. Before a project may be approved, it must satisfy six development review requirements including transportation, environmental impact, de-

¹⁵² See, Downtown Zoning-Interim Planning Overlay District and Related Amendments (1987). Copies are available from the Boston Redevelopment Authority, One City Hall Square, Boston, Massachusetts.

¹⁵³ The present uses, architectural scale and historic character of the area are to be preserved. New development will emphasize the conservation, rehabilitation and restoration of existing structures.

¹⁵⁴ The historic identity and architectural character of each area is well-established, and little potential exists for major new construction. Future development will largely be characterized by rehabilitation, conversion, and re-use of existing space.

¹⁵⁵ Area is fully developed but can accommodate new development without a significant adverse impact on light, wind, established scale, and existing character.

¹⁵⁶ Area is characterized by underutilized and developable land and new development may occur without threatening historically or architecturally important buildings, districts, open space, or infrastructure capacity.

¹⁵⁷ Areas constituting open space in public ownership are dedicated to recreational use or to the conservation of natural resources.

¹⁵⁸ This would include apartment buildings of fifty or more apartments, a medium-size department store, or an office building over three stories.

sign, compatibility of design, effect on historic resources, and impact on housing and utility services.

[III]—Special Use Variances.

Zoning classifications can also work to defeat preservation goals in an area where large historic homes no longer can be used economically for single family purposes. For example, in an area zoned solely for single-family residential use, property owners may find that the only alternative is abandonment or demolition because of the upkeep and maintenance costs involved. These homes could be preserved if zoning ordinances were amended to permit multi-family or non-residential uses, such as law or medical offices.

In Denver, Colorado the local zoning ordinance was redrafted to provide for a special-use variance. The ordinance provides for the non-residential use of landmarks in residential zones where an owner can demonstrate economic hardship. As Chris Duerksen, a land-use and preservation attorney cautioned, however,¹⁵⁹

Preservationists should exercise a great amount of care . . . in drafting variance provisions and should keep an eye out for attempts to subvert the purposes they were enacted for . . . [I]n Denver, preservationists are concerned that while the office variance provision is a good one in theory, the local landmarks commission is undercutting historic areas by being too free with landmark designations that are a prerequisite to relief. As a result, owners of single-family structures that are designated as landmarks but are not of landmark quality are able to convert to more lucrative uses, much to the chagrin of their neighbors.

Special exceptions for historic buildings have been developed in Stamford, Connecticut as well.¹⁶⁰ Stamford's ordinance enables its zoning board to authorize special use and density incentives in situations where applicable zoning regulations discourage preservation. In particular, historic buildings in residentially zoned areas may be used as professional offices, tourist homes, museums, public or charitable institutions, clubs or lodges. The zoning amendment also creates bonus development standards to encourage rehabilitation.

A zoning ordinance, permitting office and business uses in historic residential structures, has been upheld over charges that it

¹⁵⁹ The Conservation Foundation and the National Center for Preservation Law, *A Handbook on Historic Preservation Law* 50 n. 42 (Duerksen, ed. 1983).

¹⁶⁰ Stamford, Connecticut Ordinance Amending Section 7.3—Special Exception Uses for Historic Buildings (Effective September 30, 1986).

constituted spot zoning.¹⁶¹ In Cooperstown, New York, the Village enacted an amendment to its zoning ordinance to permit special uses of historic residential structures where "the denial of such use would be a severe hardship to maintenance and upkeep of the structure." Petitioners challenged the zoning amendment as spot zoning because it was not in accordance with a comprehensive plan and was not adopted in compliance with the New York State Environmental Quality Review Act ("SEQRA").

The court upheld the amendment noting that "[t]he board effectively retained both control over the details of how the historic structure may be altered to afford office and studio uses and power to determine on a case by case basis whether or not such uses are permissible on a particular site." The court held that a comprehensive plan "need not refer to a particular document." It stated that "[t]he test for [the amendment's] validity then is whether the amendment was designed to benefit the community as a whole or to benefit a particular group of property owners." Because the Village had recognized the importance of historic structures in its 1962 Area Plan and the community had set a long-range goal of maintaining and enhancing the character of the Village, the court found that the amendment passed the test for validity.

[2]—Building Codes

Attention also should be focused on applicable building codes.¹⁶² Most codes are enacted with new construction in mind—not preservation. Thus, developers of rehabilitation projects often incur unnecessary additional expenses and time delays because of the impracticality of meeting code standards and safety requirements that are designed for new construction projects. Moreover, in order to satisfy code requirements, sometimes architectural features that make the building special such as elaborately carved window moldings are sacrificed.

Generally, an existing structure must conform to building code requirements when it is substantially altered. For example, the New York Uniform Fire Prevention and Building Code (UFPBC) requires that alterations and additions to existing buildings con-

¹⁶¹ *Viek v. Board of Trustees of Village of Cooperstown*, (unreported, Supreme Court, Delaware County, N.Y., January 28, 1983).

¹⁶² Generally, state building codes apply unless a local jurisdiction has enacted a comparable or more stringent code. Owners proposing to rehabilitate their property should check local code provisions first.

E-1

January 19, 1988

Zoning Commission of the District of Columbia
The District Building, Room 11
1350 Pennsylvania Avenue, N.W.
Washington, D. C. 20004

Re: Case #86-26 (Cleveland Park)

Dear Chairman Williams and Members of the Commission:

I am writing to you on behalf of the Cleveland Park Historical Society which is a petitioner for the above-referenced rezoning. Tersh Boasberg, President of the Historical Society, has asked me to describe some of the recent zoning efforts in the City of Boston which parallel the Cleveland Park rezoning proposal with respect to strategy and intent.

I am a land use attorney with a background in planning. I am fairly knowledgeable about the new Boston zoning program in that I spent two years (1985-1987) working for the Boston Redevelopment Authority (which is the city's planning department as well as the redevelopment agency) as Assistant Director and Special Counsel. While at the BRA I coordinated at the staff level the city's rezoning process and spent a great deal of time on the downtown rezoning effort. Eight months ago I started my own business, Edith M. Netter & Associates, a land use law and consulting firm. I am attaching my resume should you be interested in my qualifications.

The City of Boston is currently undertaking a major citywide rezoning effort. The initial focus of the work was on an area that is referred to as "downtown", but in fact includes residential and neighborhood business districts as well as the city's financial center. The entire downtown area is approximately 2.2 square miles.

A critical, if not the main, component of the city's program is the establishment of height restrictions throughout the downtown. For the most part the new height limits reflect what is predominantly the existing scale of development. However,

Zoning Commission of the District of Columbia
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these new restrictions effectively constitute a "downzoning" (impose more restrictions on development projects), so that approximately ninety-five percent of the downtown area is restricted to 155 feet or less. Many subareas in the downtown are now restricted to 40 or 65 feet, depending upon the particular area. To be technically accurate, the restrictions do not legally constitute a downzoning since Boston's zoning code includes floor area ratio (FAR) provisions that are very restrictive in light of today's real estate market. For practical purposes they amount to a very significant downzoning since most large scale development projects were approved pursuant to the variance process, so that there are commercial buildings in Boston that are as tall as 690 feet.

A significant rationale behind the rezoning is the city's desire to preserve the historic scale and character of its neighborhoods. The basic notion behind the imposition of height restrictions is that developers will be less inclined to demolish buildings since they will know that they will not be permitted to rebuild at greater intensities. In short, there will be no financial incentive to demolish existing buildings. The expectation is that developers will instead engage in renovations that maintain the area's historic character.

The new downtown zoning is being done on an interim basis (for two years) to give the city time to engage in a more detailed planning process. In one area of the downtown, Boylston Street, the city already has conducted a detailed planning study which has provided the basis for a "permanent downzoning" of this area. The Boylston Street rezoning project may be of special interest to the Commission in that a detailed analysis of a commercial area was undertaken in order to determine which measures would be of most use in preserving existing buildings. After the studies were completed, the city determined that the imposition of fairly restrictive height limits was essential to achieving the preservation goals for the area.

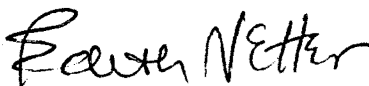
In addition to the use of downzoning as a preservation tool, the city also is considering the adoption of a zoning amendment

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to preserve historic buildings. The alteration of buildings designated to be of special historic significance to the city, region, or country will have to be preceded by approval from the city's Zoning Commission. This amendment is intended to complement the city's landmarks preservation ordinance and the work done by the Landmarks Commission. It will have a five year duration.

I hope that this information will be helpful to you in your deliberations.

Very truly yours,


Edith M. Netter

EMN/nl
Attachment

E_2

Your
Seattle
Community Development



David Moseley, Director
Charles Royer, Mayor

January 20, 1988

Lindsley Williams
Chairman
D.C. Zoning Commission
District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: Case No. 86-26
(Cleveland Park)

Dear Mr. Williams:

I am writing to you on behalf of the Cleveland Park Historical Society in support of the above case. The purpose of my letter is to share with you successful efforts in Seattle that parallel the request of the Cleveland Park Historical Society.


As you are aware, I am familiar with the zoning code in Washington, D.C. through my work as a staff member to ANC 2A, as Ward 2 representative to the Citizens Planning Coalition, as a boardmember and president of Don't Tear It Down and as a graduate student at the George Washington University Department of Urban and Regional Planning. I have testified before the D.C. Zoning Commission on many occasions.

I currently serve as the City Historic Preservation Officer for the City of Seattle, a position I have held for four years. In that capacity, my office provides administrative support for seven boards and commissions that regulate six historic districts and approximately 180 individual landmarks. Seattle's landmarks preservation ordinance was adopted in 1973 and ordinances governing the Pioneer Square Preservation District, the Pike Place Market Historical District and the International Special Review District were adopted between 1971 and 1973.

Policymakers in Seattle are particularly sensitive to the need to align zoning requirements with the size, scale and uses of historic districts. To that end, land use district classifications of Seattle's Downtown Plan, adopted in 1985, were coordinated with the special overlay regulations for the above historic districts. All of these districts, like Cleveland Park, are subject to intense development pressure. Current historic district regulations, reinforced by the City's planning policies, have enabled these districts to prosper as well as to retain the unique qualities for which they were designated as historic districts.

Based on my experiences in Washington, D.C. and in Seattle in the last 15 years, I concur with the petitioners that the current zoning (and especially the PUD provisions) undermines the intent of both D.C. Law 2-144 and the Historic Preservation Element of the Comprehensive Plan. Seattle is one of many examples of cities where policymakers have gone to great lengths to align zoning regulations with the needs of historic districts. I hope the District of Columbia will do the same.

Sincerely,


Karen Gordon
City Historic Preservation Officer

F

NEIGHBORHOOD

NEIGHBORHOOD

COMMERCIAL

COMMERCIAL

Economic Impact Assessment

NEIGHBORHOOD
COMMERCIAL
REZONING

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF CITY PLANNING JANUARY 1988



EXECUTIVE SUMMARY

INTRODUCTION

The purpose of the economic analysis in this study is to identify the possible differences in neighborhood commercial district activity because of rezoning. Economic impacts arise because of the differences in economic outcomes attributable to the changes in zoning. Economic changes in neighborhood commercial districts which also would occur under existing zoning are not impacts of the rezoning.

There are two perspectives for considering potential economic impacts. One is the perspective of the neighborhood commercial district directly affected by changes in zoning. A second perspective is that of citywide shifts in commercial activity among districts and in a different overall pattern or level of citywide commercial activity.

Once identified, economic impacts can be described in terms of how different interests in the community would be affected. These interests include consumers, merchants, property owners, labor force members, neighborhood residents, residents citywide, and government agencies. Within these groups there can be differences in effects such as between existing merchants and new merchants, merchants of different types (restauranters, booksellers, realtors), property owners and renters, or neighborhood residents and other citywide residents. When examined from each of these different perspectives, an economic impact often can be viewed as beneficial by some interests in the community and as undesirable by others.

METHODOLOGY

There are a numerous neighborhood commercial districts in San Francisco and, to a certain extent, each is unique and serves a different function. Yet, there also is a relationship between commercial districts, in that changes in one district can affect activity in other districts. The result is a highly complex, dynamic system of providing goods and services to the city's residents and to other consumers.

Because of these complexities, it is not possible to generalize about all commercial districts nor to quantitatively describe and accurately model commercial activity for all of these areas. Instead, a more workable approach is to draw from an understanding of how commercial districts develop and function, and by utilizing this understanding, describe qualitatively how and why certain types of impacts could occur as a result of the changes embodied in the proposed rezoning.

Taraval Street Restaurant and Fast Food Sub-District
Irving Street Restaurant and Fast Food Sub-District
Ocean Avenue Fast Food Sub-District
Geary Boulevard Fast Food Sub-District
Mission Street Fast Food Sub-District
North Beach Financial Service Sub-District

Together with Article 7, the proposal also amends Article 1 (Dimensions, Areas, and Open Spaces), Article 2 (Use Districts), Article 3 (Procedures) and Article 6 (Signs) of the Planning Code. These include a section on Conditional Use approval procedures applicable to neighborhood commercial districts, which establishes an administrative consent calendar procedure as an optional set of procedures for the Planning Commission to use. Conditional Use procedures also specifically refer back to the Master Plan for policy guidelines on reviewing permit applications. Provisions are proposed for change in use of Conditional Uses and Nonconforming Uses (including those which would be created by new use controls).

Differences Between Existing and Proposed Zoning

By and large, the proposed neighborhood commercial rezoning is more restrictive than the existing zonings for the approximately 210 locations which it covers. This greater restrictiveness is not so much a downzoning as it is an effort to bring the zoning into conformity with the physical and land use structure that already exists in the districts. General building standards, such as height and bulk limits, floor area ratios, and rear yard requirements, correspond to the primary building types and overall physical scale currently existing in each district. Thus, if the floor area ratio for a particular district is reduced under the proposed zoning from 3.6:1 to 2.0:1, this is because most of the existing buildings in the district do not exceed a ratio of 2.0 to 1. Similarly, if the height limit is reduced from 135 feet to 65 feet, this is because very few, if any, of the existing buildings exceed the 65 foot height limit.

Moreover, the proposed building standards are calibrated to controls on use and use by story to bring about further consistency with the existing pattern and levels of land use in each district. Each proposed control is contingent upon the others in a way that simulates the dominant physical character and use intensity in each district. Thus, in any given district, a developer may or may not be able to build commercial space above the ground floor, depending both on the control for upper story commercial use and on whether a Conditional Use permit is granted for conversion of existing housing units as well as compliance with the height limits, the floor area ratio, and other requirements. It is within this context that the greater restrictiveness of the proposed zoning should be viewed. One of the problems with the existing zoning is that it is frequently inconsistent with existing development patterns in the districts. In varying degrees, it permits a scale and intensity of development that far exceeds what already exists in the districts. The proposed controls represent an effort to correct over-zoning under the existing controls. It does not prevent development from occurring in any district. Rather, it assures that new development is compatible with the existing development.

METHODOLOGY

Seeking to address questions of economic impact resulting from neighborhood commercial rezoning runs into a number of complex methodological issues, not the least of which is the absence of a large volume of consistent quantitative data on economic activities in the neighborhood commercial districts. This chapter discusses these methodological issues and explains how the study assesses potential economic impacts under the proposed rezoning. Accordingly, the chapter is divided into the following sections: discussion of methodological issues, zoning and the neighborhood commercial economy, and approach for assessing potential economic impacts.

Dynamic and Complex Nature of Neighborhood Commercial Economies

The chief methodological problem confronted in this study was how to capture the complex and dynamic nature of economic activities within and among neighborhood commercial districts. Such activities are not amenable to quantitative analysis because of the constantly shifting and changing nature of the economic activities at the neighborhood commercial district level. To illustrate this point, a contrast between Downtown and the neighborhood commercial districts is pertinent. There is only one Downtown area in the City. Accordingly, it is relatively easy to arrive at some consensus on its boundaries and thereby to isolate for analysis the business activities occurring within these boundaries. In contrast, there are over 200 neighborhood commercial districts. While similarities in the types of businesses found in different districts do exist, each district tends to be unique and caters to a distinctive market. This makes sampling difficult if not impossible as a way to isolate representative sources for analysis in the same way one might do so in the Downtown area.

In addition, retail activity in many districts caters to changing trends in consumer preferences. Some trends are ephemeral. A particular clothing style or food item may be very 'hot' one year and virtually disappear the following year along with the business that provided it. Product innovations in consumer durables such as video cassette recorders and personal computers give rise to new types of businesses providing both goods and services. These changing trends give a somewhat frenetic quality to retail activity at the neighborhood commercial level.

In addition, this frenetic quality is reinforced by the chronically high failure and turnover rates in the small business sector. Even if market conditions were in perfect equilibrium, there would still be a high degree of turnover in most districts. Most persons starting a small business do not conduct formal market analyses to evaluate quantitatively their chances for profitability and success. Frequently they operate on intuition and hunches. Their initial business start is often a learning process, from which they gain the experience and skills to maintain or expand their business. In the event of failure, they move on to something else. All of this adds to the complex and dynamic nature of the neighborhood commercial economy and makes it difficult to analyze in quantitative terms.

Complex Relationship between Zoning and Economic Outcomes

A second methodological issue deals with the inherently complex nature of the economic impacts of zoning. There is no direct cause and effect relationship between zoning and economic outcomes. A change in zoning does not necessarily lead to a change in economic activity. The economic impacts resulting from zoning tend to be indirect and difficult to measure. The primary effect of zoning controls is on physical development. Zoning prescribes the size and shape of a building and regulates land uses. Through these controls, over a long period of time, zoning can affect the amount and type of buildings that can be developed and the activities that take place within them. Economic impacts undoubtedly result from these controls, but it is difficult, if not impossible, to distinguish the changes in economic activity which are the result of zoning from those changes which are the product of market forces alone. Zoning is only one of many variables affecting the economic viability of a given district. In most cases, market demand, demographic and income characteristics, consumer preferences, costs of construction and financing, etc. are more important than zoning in determining economic outcomes.

There are, of course, exceptional cases where zoning can have significant, albeit indirect, economic impacts. One example involves cases of excess supply, where the amount of commercial space for a given use greatly exceeds the consumer demand for that use. Also called 'excess competition', this type of situation is frequently characterized by a higher than normal rate of business turnover, employment instability, high vacancy rates, and sometimes physical deterioration, as there are too many merchants selling goods and services in a particular district for all of them to be profitable enough to successfully maintain their businesses and to pay a rent sufficient to maintain the building stock. A change in zoning policy affecting this oversupply condition can have important economic consequences.

For example, a policy to restrict new uses for which there is an oversupply could help eliminate conditions that give rise to excess competition thus giving existing businesses a better chance to earn profits and to pay economic rents. Conversely, a policy which encourages growth in uses for which there is already oversupply, could worsen the economic problems of excess competition. In this regard, it is important to recognize that more restrictive zoning policies do not necessarily depress economic conditions. The specific economic impacts of a restrictive policy depend on the supply-demand balance for the particular uses which prevails before the restriction is imposed. The market conditions in most neighborhood commercial districts, however, are not as unstable as represented by the above examples. The economic impacts and adjustments of new zoning controls also are less dramatic and more subtle.

Limited Volume of Quantitative Data

There are no periodically published data sources on key economic indicators of activity in the neighborhood commercial districts such as retail sales, rent levels, vacancy rates, etc., that are akin to the quarterly economic reports published by leading real estate brokers on the Downtown retail and office markets. What data exists is subjective and seldom published. For example, it is possible to obtain from realtors in a given district their estimates of the current asking price for monthly commercial rents on a per

square foot basis in the district. These estimates provide a range of figures for the current asking rent, but they do not reflect rents paid by tenants who enjoy older long-term leases which are likely to be much lower. Rental estimates obtained from realtors, however, do allow comparison of the value of commercial space between different districts, e.g. to show that the value of commercial space on Union Street generally is higher than on Polk Street. However, not much more can be inferred from this data. These estimates also cannot be obtained in time series form, so one cannot show how rent levels have changed over the past five or ten years.

Moreover, in any given district, the variations around average rent might be so large as to make the estimated average an unreliable measure of the rent level. For example, a survey of rents for 21 commercial leases in the West Portal Neighborhood Commercial District done in 1985 by a private appraisal firm indicates that the average monthly rent of these leases was \$1.17 a square foot. However, the variations around this average were substantial. Over one half of the businesses had rents under \$1.00 a square foot. Three had rents over \$2.00 a square foot. The rest tended to center around the \$1.17 average.

Subjective Aspects of Zoning Influence on Economics

Another methodological problem faced by this study is that proposed zoning controls will tend to have their most immediate impact on economic expectations. Proposed zoning controls affect expectations, the attitudes and beliefs that the business community and residents share about the future direction of development in a given area. Although not everyone is fully aware of zoning and how it works, the controls give signals to investors, merchants, and other interested parties about what the City would like to see happen in a particular area in the future. These signals can be especially influential in districts that are undergoing transition from one type of market orientation to another, and where the property owners and merchants are not willing to invest until City policy removes uncertainty about the direction of future development.

Due to the subjective nature of expectations, the best way to assess how they are influenced by public policy is to interview people in the affected community about their perceptions of the conditions that will be impacted by the policy. Hence, as part of this study, in-depth interviews were conducted with over 90 merchants, realtors, commercial property owners, and residents in 20 neighborhood commercial districts. While not a statistically representative sample, these interviews nonetheless help to provide important information and insights into real economic behavior in the neighborhood commercial districts.

Role of Different Economic Interests

Assessing changes in economic expectations is complicated in large part because particular individuals or groups have different perceptions of the impacts that will occur and how their economic interests will be affected. Those groups whose interests are most likely to be affected by the proposed neighborhood commercial rezoning include: merchants, commercial property owners, realtors, and tenants and homeowners from the surrounding residential

neighborhoods. Attitudes about the desirability or undesirability of a proposed zoning change may vary greatly within and between these groups depending on how people perceive their economic interests to be affected.

The economic impact on taxpayers, and government agencies, are more appropriately assessed at the citywide level. These impacts of the proposed zoning will likely not increase or decrease aggregate employment, tax revenue, and government services, although they may change their relative allocations among districts. For example, controls that significantly restrict growth in one district can encourage growth in an adjacent district where controls are less restrictive. The only way to assess the resultant economic impact would be to determine how the shifts in economic losses and gains among all the districts result in net gains and losses for the city as a whole. However, because of the large number and variety of neighborhood commercial districts and the ample amounts of commercial and housing development that can be accommodated under either the existing or the proposed zoning, this study concludes that differences in development potential between the existing and proposed zoning are not large enough to warrant extensive analysis of aggregate impacts on the city's employment structure and tax base.

Assessment Methodology

The methodology for assessing economic impacts in this study consists of evaluating the validity of the suppositions which underlie the public concerns about the economic impacts that could result from the proposed rezoning. The proposed rezoning is clearly more restrictive than the existing zoning in regulating physical development in neighborhood commercial districts. Hence there is concern that the proposed rezoning could 1) limit business opportunity thereby, making it more difficult for entrepreneurs to start a new firms; 2) limit the amount of space available for commercial uses thereby causing rents to increase; and 3) limits the ability of investors, property owners, and merchants to obtain the highest and best use of their properties. This methodology will assess the validity of these concerns by specifying the major differences between the existing controls and the proposed controls on a district-by-district basis and analyzing the potential economic impacts that are likely to result from these differences.

As discussed earlier, the magnitude of economic impacts cannot be precisely quantified due to the indirect relationship between zoning and the neighborhood commercial economy and the complex economic relationships within and between commercial districts. This methodological dilemma had two consequences for the way this study was conducted. First this study focused on those economic outcomes which could be specifically attributed to zoning changes, to differences between the existing zoning and the proposed neighborhood commercial rezoning. This means pinpointing those changes in the economy which would have occurred only because of the change in regulations. Second, because of the lack of a large variety of economic data on the neighborhood commercial districts and the importance of subjective factors such as expectations, the study did not employ a statistical analysis to measure the precise degree of impacts attributable to zoning. Therefore, this study used physical development projections in combination with field interviews and observational data to make qualitative assessments.

Since the proposed neighborhood commercial rezoning tends to be more restrictive than the affected existing zoning classifications, its primary effect will be to permit less development of new commercial space than would occur under the existing zoning classifications. To measure this impact physical development estimates were prepared for 20 districts under the proposed neighborhood commercial rezoning. These districts include the 16 individual area districts and the 4 districts serving as representative examples of each of the general area districts.

To select the 4 districts serving as representative examples, a screening process was used to identify those districts which the Department judged would be more heavily impacted by the proposed zoning change than other districts in the same zoning category. Consideration was given to such factors as: types of goods and services; physical scale and development pattern; general location in city; market orientation and size; and transportation access and conditions.

After applying these criteria to the neighborhood commercial locations, the following districts were chosen for analysis: Union/Hyde for the NC-1 classification, Chestnut Street for the NC-2 classification, Geary Boulevard for the NC-3 classification and, Laurel Village for the NC-S classification. The 16 individually zoned districts to be analyzed are: Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, and West Portal Avenue.

The physical development estimates were derived from identification and build-out analysis of "soft sites", i.e., those sites that could be developed under the existing zoning and those that could be developed under the proposed zoning. The sites generally consist of vacant and underutilized properties which are suitable for new construction or rehabilitation and conversion of existing structures. In order to meet the California Environmental Quality Act (CEQA) requirement, "worst case" scenarios were used. These scenarios assume that future increases in business demand will be great enough to cause a full buildout of these soft sites according to the parameters of either the existing zoning or the proposed zoning. In reality, full build-out is not likely to occur. Few of these sites will ever be built to their maximum zoning potential. Hence, actual growth in new commercial space will probably be less than that indicated by the physical development projections for the neighborhood commercial districts.

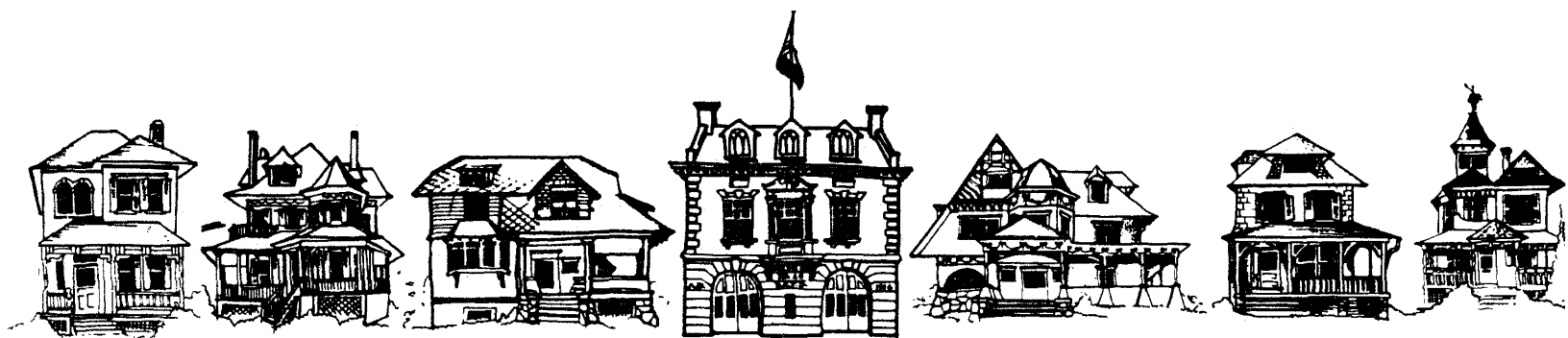
Yet the projections have relevance for assessing potential economic impacts by providing a vantage point for looking at future growth trends. They provide a conceptual framework for assessing how current market forces may affect a given district over the future and the role that zoning can or cannot play in influencing or balancing off these forces. Over the next 10 years no neighborhood commercial district may experience the volumes of growth in new commercial space estimated in the projections, yet every district is currently experiencing real economic change that could result in a different economic and land use pattern 10 years from now. The projections help us to think about this change. Projecting new growth out to its full potential permitted by zoning may not be realistic, but it does correspond to the way most people think about the future; namely, by taking current trends to their logical conclusions.

Community Interviews and Observations

In this study, the inferences drawn from the projections on the basis of conventional economic reasoning were evaluated against field data drawn from interviews with merchants, realtors, and other economic actors in the districts.

To develop a primary source for such data, 93 in-depth interviews were conducted in the 20 neighborhood commercial districts covered in this study. The types of business persons were interviewed in each district: an established merchant, a new merchant, a commercial property owner, and a realtor. This sampling strategy was generally followed, although some variation occurred due to different issues and different levels of response between districts. In some districts more than 4 interviews were conducted; in others, less than 4 were conducted. Of the 93 interviewees, 60 were merchants, 16 realtors, 10 commercial/residential property owners, 5 residents, and 2 business association leaders. At the citywide level, interviews were conducted with one representative from a savings and loan institution and four representatives of franchise and chain store operations. While much of the data drawn from the interviews concerned subjective perceptions, the findings nonetheless provide insight into the thinking of people familiar with the various districts about current, past, and future economic conditions. As such, it provides a source for scrutinizing and refining the inferences drawn from conventional economic reasoning.

G



CLEVELAND PARK HISTORICAL SOCIETY 3101 HIGHLAND PLACE, N.W. CLEVELAND PARK, D.C. 20008 (202) 244-1276

The San Franciscso Report on Neighborhood Commerical Rezoning,
because of its oversize, will be sumbitted later for the
record.

H

STATEMENT OF EUGENE A. MASSEY INTRODUCING
TRAFFIC IMPACT STUDY PREPARED BY EVERETT C. CARTER

The Cleveland Park Historical Society and the Woodley Park Community Association have jointly retained Mr. Everitt C. Carter, Ph.D., a Professor of Civil Engineering and Director of the Transportation Study Center at the University of Maryland in College Park, to review the transportation analysis included in the Office of Planning Connecticut Avenue Corridor Study.

Dr. Carter's study, which is submitted in two volumes, 1) a narrative description, and 2) a table of supporting data and appendices, concludes that the DPW Study used inappropriate methodologies in calculating the existing levels of service and in projecting the future levels of service under Office of Planning growth assumptions. In addition, at the request of the neighborhoods, Dr. Carter has analyzed a second scenario for growth. In that second scenario it is assumed that the commercial areas in the Woodley Park and Cleveland Park neighborhoods would be developed to the full envelope of existing zoning.

Dr. Carter's study examined only five intersections within the segment of Connecticut Avenue bounded by Calvert and Tilden Streets. These intersections are Connecticut and Calvert, Cathedral, Macomb, Porter and Tilden. The Carter report used the same data as the DPW study but applied two additional

methodologies to that data - one the Federal Highway Administration Highway Capacity Manual and the other the Critical Lane Volume analysis. Both of these methodologies are regarded as more appropriate than the method used by DPW. The level of service calculations comparing DPW results with the other methodologies are set forth on pages 23 through 25 of his report.

It is our view that level of service "D" should be regarded as the minimum level of acceptable service within a high density area. The OP/DPW study indicates that existing levels of service will meet this test. However, Dr. Carter's charts show that the existing level of service at the Porter Street intersection, as calculated under the Federal Highway Administration Highway Capacity Manual, has already deteriorated to a level of service of "E", and that, under both projected growth scenarios, three out of the five intersections will deteriorate to the E or F levels.

You will note, in reviewing these charts, the presence of asterisks under the Federal Highway Administration data. These asterisks are used because the Highway Capacity Manual method does not provide a formula for the calculation of level of service when the capacity to volume ratio for an intersection exceeds 1.2. When the volume of traffic exceeds the capacity by 20%, it is not realistic or meaningful to try to make a calculation of level of service.

Although the projected traffic conditions in Scenario 1 on page 24 are indeed bleak, the actual situation may well be worse because Scenario 1 is based on the assumption that full development will not occur. For this reason we asked Mr. Carter to run his study using a second scenario which assumes full development, but no PUD's. Although it is not possible to project when full development will occur, it is appropriate for the Zoning Commission to focus on what would be the maximum permissible development under existing zoning and to look at the traffic impacts of such maximum development.

Under scenario 2, the DPW methodology shows a further decline in levels of service at Calvert, Cathedral and Porter as does the critical lane method. The Federal Highway Administration Highway Capacity Manual method indicates that all intersections would be substantially over capacity. Only in one instance, that is Macomb Street in the A.M. rush hour, is the volume of traffic low enough to permit the calculation of a level of service, and that calculation is a level of service "F". Although it is not possible to directly correlate the volume to capacity ratios with the level of service, the fact that the Highway Capacity Manual does not provide for calculations under these circumstances is an indication that the level of service is below the acceptable thresholds.

Scenario 2, in our opinion, is not necessarily the "worst case" depiction. For example, Dr. Carter has utilized the DPW trip generation criteria, although it appears that these rates are lower than those commonly used by other authorities. Also, because of time limitation, a detailed analysis of the internally generated traffic was limited to the segment between Calvert and Tilden. Consequently, development south of Calvert Street and north of Tilden, which would have traffic impacts that would spill over into the Calvert/Tilden segment, were not considered. It is obvious that some additional traffic growth could be anticipated as a result of development outside the Calvert to Tilden area. Finally, there are many special situations, such as the Uptown Theater, two major hotels, the National Zoo and the entrance to Rock Creek Parkway that are not adequately reflected in the data utilized for this study. For these reasons, we believe it is possible that the traffic situation could be more congested than is reflected in the charts on pages 23-25.

We believe that there are several important factors that the Zoning Commission should consider in connection with a review of the traffic data:

1. Connecticut Avenue serves as a major corridor to carry automobiles into and away from the downtown core. Locally induced congestion at commercial sites along Connecticut Avenue will significantly reduce Connecticut Avenue's ability to continue this function.

2. So-called traffic system measures (TSM) are not a practical solution to the traffic problem. For example:

a) Limiting left turns, while helping through traffic, is a serious inconvenience for local residents, requiring them to make a series of right-hand turns, further congesting residential streets.

b) Limiting parking on Connecticut Avenue would seriously impact existing commercial activities, which are already suffering from a lack of adequate parking.

3. Overflow traffic on Connecticut Avenue will put additional pressure on the Reno Road/34th Street system to carry commuter traffic. This would undercut recent actions of the D.C. Government to restrict traffic on these roads to help maintain their residential character.

4. A recent study prepared for the Metro system* shows that office uses generate approximately fifteen trips per day per 1,000 square feet of space while residential use only generates 5 trips per day per 1,000 square feet. If the office is located near the Metro in the downtown core, 50%/60% of work trips are made by Metro. If the office is located near a metro station outside of the downtown area only about 25% of the work trips are by Metro. The residential use of Metro is 50%/60% for residential development near Metro stations.**

* Development-Related Ridership Survey by jhk & associates, March 1987.

** Page 75, Table 25 Summary of Regression Analysis.

This study shows that office development generates substantially more trips than residential development and that the utilization of Metro is quite low for office development at Metro stations outside the downtown area. In the Cleveland Park area, which is faced with gridlock by the year 2000, sound transportation policy requires any development in that area to be limited to residential uses rather than office uses.

5. The shortage of parking for the commercial area, creates a substantial parking spill over into the residential neighborhoods, seriously inconveniencing residents and their guests and making streets less safe for pedestrian uses, particularly children. Increased commercial use that will attract patrons from outside the area will jeopardize the residential environment in the Cleveland Park Historic District.

I would now like to turn the presentation over to Dr. Carter so that he may answer any questions of a technical nature that you have concerning his report.

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Table 5-1

Daily Passenger Boardings by Station During
Metrorail Passenger Surveys

Station	Nov 1977	May 1978	May 1979	May 1980	May 1981	May 1982	May 1984	May 1985	May 1986	May 1987
Dupont Circle	7,784	10,124	13,617	15,643	14,128	11,628	13,894	16,767	17,099	18,838
Farragut North	7,950	12,531	12,790	15,087	13,102	16,049	15,150	19,446	23,505	23,287
Metro Center	10,493	13,704	19,400	18,516	19,608	17,635	17,154	16,550	19,386	25,356
Gallery Place	2,100	2,505	3,938	4,057	4,141	3,753	5,752	6,938	6,708	6,752
Judiciary Square	5,490	7,806	7,955	8,527	7,680	7,175	5,576	7,740	7,552	8,300
Union Station	7,038	9,248	11,386	12,540	10,464	10,836	12,227	11,761	13,720	15,433
Rhode Island Ave.	5,665	4,753	4,307	4,989	4,226	4,073	4,069	4,891	5,079	5,837
Brookland	-	3,451	5,204	6,333	5,740	5,538	5,428	5,741	6,649	6,573
Fort Totten	-	2,969	4,896	5,294	4,481	4,150	3,539	4,363	4,868	5,600
Takoma	-	2,556	3,873	4,809	4,687	4,137	4,629	5,195	5,304	5,529
Silver Spring	-	9,121	13,860	16,414	15,533	14,478	14,735	13,445	14,043	14,664
New Carrollton	-	-	5,715	6,592	6,514	5,886	5,723	5,695	6,065	6,330
Landover	-	-	2,381	2,815	2,165	2,219	2,300	2,940	3,191	3,432
Cheverly	-	-	1,344	1,380	1,366	1,162	1,234	1,315	1,463	1,490
Deanwood	-	-	2,535	2,638	2,016	1,851	2,018	1,909	2,026	2,091
Minnesota Ave.	-	-	3,689	3,556	2,183	2,305	2,144	2,135	2,365	2,633✓
Stadium-Armory	3,956	4,307	4,316	4,094	3,445	2,887	3,178	3,226	3,399	3,989
Potomac Ave.	2,830	3,384	4,927	4,779	6,753	5,095	5,258	6,383	6,201	6,649
Eastern Market	2,506	2,662	4,201	4,545	4,519	4,468	4,724	5,074	5,454	5,898
Capitol South	3,696	5,003	5,392	6,758	6,684	7,429	6,052	7,480	7,807	8,759
Federal Center SW	2,778	3,604	4,775	5,246	4,645	4,024	4,661	4,928	5,441	5,520
L'Enfant Plaza	6,154	8,361	11,417	12,929	12,026	11,990	11,393	16,514	17,255	17,944
Smithsonian	4,060	6,184	8,312	12,427	9,657	9,711	8,305	8,986	9,503	9,442
Federal Triangle	4,036	4,432	5,660	6,774	6,154	5,960	5,481	6,376	7,101	8,777
McPherson Square	7,024	8,927	12,836	13,829	13,162	13,218	12,746	13,902	15,020	16,177
Farragut West	15,167	17,085	23,386	28,891	27,294	25,396	20,354	24,138	24,246	25,710
Foggy Bottom	6,144	8,104	9,818	13,528	14,394	12,644	11,605	14,928	14,946	15,600
Rosslyn	11,167	11,725	17,155	12,752	12,241	11,406	11,633	13,856	13,432	15,672
Arlington Cemetery	140	219	384	362	876	215	416	1,099	341	731
Pentagon	10,558	12,775	14,441	16,123	16,365	15,310	17,714	19,838	19,443	18,721
Pentagon City	1,312	2,068	3,325	3,586	3,136	3,210	2,335	2,821	2,998	3,309
Crystal City	3,912	5,110	7,554	8,204	7,438	7,667	9,779	10,602	10,939	12,253
National Airport	2,479	3,305	5,088	5,605	4,619	4,881	4,402	4,497	4,194	5,407
Court House	-	-	-	2,825	3,034	2,860	3,113	3,573	4,077	4,059
Clarendon	-	-	-	1,899	2,149	2,064	2,254	2,351	2,652	2,468
Virginia Square	-	-	-	1,728	2,259	2,212	2,350	2,757	2,796	2,341
Ballston	-	-	-	9,352	10,250	10,173	10,060	10,239	11,325	8,116
Benning Road	-	-	-	-	2,497	3,078	2,973	3,050	3,468	3,546✓
Capitol Heights	-	-	-	-	1,890	1,965	2,217	2,317	2,595	2,972✓
Addison Road	-	-	-	-	2,507	2,964	4,435	3,723	4,356	4,802
Woodley Park-Zoo	-	-	-	-	-	4,456	4,235	6,461	6,800	6,313
Cleveland Park	-	-	-	-	-	2,443	2,961	3,870	3,512	3,419
Van Ness-UDC	-	-	-	-	-	7,651	7,682	6,650	7,759	6,831
Archives	-	-	-	-	-	-	2,728	3,364	3,693	3,511✓
Braddock Road	-	-	-	-	-	-	1,295	2,124	2,395	2,549
King Street	-	-	-	-	-	-	1,806	2,549	3,437	3,512
Eisenhower Ave.	-	-	-	-	-	-	981	1,269	1,473	1,618
Huntington	-	-	-	-	-	-	4,084	6,099	7,030	7,849
Tenleytown	-	-	-	-	-	-	-	4,128	4,305	4,615
Friendship Heights	-	-	-	-	-	-	-	5,674	7,106	7,654
Bethesda	-	-	-	-	-	-	-	5,011	6,163	7,105
Medical Center	-	-	-	-	-	-	-	2,715	3,137	3,633
Grosvenor	-	-	-	-	-	-	-	2,618	2,946	3,161
White Flint	-	-	-	-	-	-	-	2,199	3,077	3,775
Twinbrook	-	-	-	-	-	-	-	2,354	3,264	3,662
Rockville	-	-	-	-	-	-	-	2,140	2,798	3,371
Shady Grove	-	-	-	-	-	-	-	4,050	5,826	7,319
East Falls Church	-	-	-	-	-	-	-	-	-	3,361
West Falls Church	-	-	-	-	-	-	-	-	-	4,140
Dunn Loring	-	-	-	-	-	-	-	-	-	3,065
Vienna	-	-	-	-	-	-	-	-	-	6,165
Total	134,439	186,033	259,877	305,410	296,028	298,274	308,782	382,864	413,233	457,635

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from 1987 Metrolink Passenger
Survey
Spring 1987

----- C R O S S T A B U L A T I O N O F -----
STADIGN STATION OF ORIGIN BY TIMEPERD TIME PERIOD
----- PAGE 2 OF 8 -----

		TIMEPERD								
		COUNT	I							
		ROW PCT	IAM RUSH	MID-DAY	PM RUSH	EVENING				ROW
		COL PCT	I							TOTAL
		TOT PCT	I	1.00I	2.00I	3.00I	4.00I			
-----+-----										
STADIGN			I		I	I	I			
	CAH		I 1996	I 516	I 270	I 190	I			2972
	CAPITOL HEIGHTS		I 67.2	I 17.4	I 9.1	I 6.4	I			.6
			I 1.3	I .5	I .2	I .3	I			
			I .4	I .1	I .1	I .0	I			
-----+-----										
	CAS		I 965	I 2459	I 3737	I 1598	I			8759
	CAPITOL SOUTH		I 11.0	I 28.1	I 42.7	I 18.2	I			1.9
			I .6	I 2.5	I 2.4	I 2.9	I			
			I .2	I .5	I .8	I .3	I			
-----+-----										
	CHE		I 1078	I 211	I 136	I 65	I			1490
	CHEVERLY		I 72.3	I 14.2	I 9.1	I 4.4	I			.3
			I .7	I .2	I .1	I .1	I			
			I .2	I .0	I .0	I .0	I			
-----+-----										
	CLA		I 1376	I 551	I 347	I 194	I			2468
	CLARENON		I 55.8	I 22.3	I 14.1	I 7.9	I			.5
			I .9	I .6	I .2	I .4	I			
			I .3	I .1	I .1	I .0	I			
-----+-----										
	CLE		I 1845	I 765	I 476	I 333	I			3419
	CLEVELND PARK		I 54.0	I 22.4	I 13.9	I 9.7	I			.7
			I 1.2	I .8	I .3	I .6	I			
			I .4	I .2	I .1	I .1	I			
-----+-----										
	COU		I 1855	I 878	I 1087	I 239	I			4059
	COURT HOUSE		I 45.7	I 21.6	I 26.8	I 5.9	I			.9
			I 1.2	I .9	I .7	I .4	I			
			I .4	I .2	I .2	I .1	I			
-----+-----										
	CRY		I 2296	I 2668	I 6122	I 1167	I			12253
	CRYSTAL CITY		I 18.7	I 21.8	I 50.0	I 9.5	I			2.7
			I 1.5	I 2.7	I 4.0	I 2.1	I			
			I .5	I .6	I 1.3	I .3	I			
-----+-----										
	DEA		I 1345	I 355	I 255	I 136	I			2091
	DEANWOOD		I 64.3	I 17.0	I 12.2	I 6.5	I			.5
			I .9	I .4	I .2	I .2	I			
			I .3	I .1	I .1	I .0	I			
-----+-----										
COLUMN			151133	98436	153642	54424				457635
(CONTINUED) TOTAL			33.0	21.5	33.6	11.9				100.0

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BLANK CELLS REPRESENT A -0- OR A NO RESPONSE